

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION  
6 OPIATE LITIGATION

Case No.

7 1:17-MD-2804

8 APPLIES TO ALL CASES

Hon. Dan A.

9 Polster

10 Case No. 1:17-MD-2804

11 - - -

12 January 9, 2019

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
14 CONFIDENTIALITY REVIEW

15 Videotaped deposition of

16 SOPHIA NOVACK, held at 101 Park Avenue,

17 New York, New York, commencing at 9:37 a.m.,

18 on the above date, before Marie Foley, a

19 Registered Merit Reporter, Certified

20 Realtime Reporter and Notary Public.

21 - - -

22 GOLKOW LITIGATION SERVICES

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<p style="text-align: right;">Page 6</p> <p>1 APPEARANCES VIA TELEPHONE AND STREAMING</p> <p>2 (Cont.):</p> <p>3</p> <p>4 JACKSON KELLY PLLC</p> <p>5 BY: GRETCHEN M. CALLAS, ESQUIRE</p> <p>6 500 Lee Street East</p> <p>7 Suite 1600</p> <p>8 Charleston West Virginia 25301-2302</p> <p>9 304.340.1000</p> <p>10 gcallas@jacksonkelly.com</p> <p>11 Representing AmerisourceBergen</p> <p>12</p> <p>13 BAILEY &amp; WYANT, PLLC</p> <p>14 BY: JUSTIN C. TAYLOR, ESQUIRE</p> <p>15 500 Virginia Street East</p> <p>16 Suite 600</p> <p>17 Charleston West Virginia 25337</p> <p>18 304.345.4222</p> <p>19 jtaylor@baileywyant.com</p> <p>20 Representing West Virginia Board of</p> <p>21 Pharmacy</p> <p>22</p> <p>23 ALSO PRESENT:</p> <p>24 Ray Moore, videographer, trial tech</p>	<p style="text-align: right;">Page 8</p> <p>1 - - -</p> <p>2 E X H I B I T S</p> <p>3 - - -</p> <p>4 NO. DESCRIPTION PAGE</p> <p>5 Rite Aid - LinkedIn page for Sophia 21</p> <p>6 Novack Novack</p> <p>7 Exhibit 1</p> <p>8 Rite Aid - Corporate Loss Prevention 51</p> <p>9 Novack Department chart January</p> <p>10 Exhibit 2 26, 2011, Bates No.</p> <p>11 Rite_Aid_OMDL_0044539</p> <p>12 Rite Aid - Corporate Asset Protection 61</p> <p>13 Novack Department organization</p> <p>14 Exhibit 3 chart, Bates No.</p> <p>15 Rite_Aid_OMDL_0044732 to</p> <p>16 Rite_Aid_OMDL_0044733</p> <p>17 Rite Aid - E-mail dated January 25, 79</p> <p>18 Novack 2012, with attachment,</p> <p>19 Exhibit 4 Bates No.</p> <p>20 Rite_Aid_OMDL_037355 to</p> <p>21 Rite_Aid_OMDL_037371</p> <p>22</p> <p>23</p> <p>24</p>
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<p style="text-align: right;">Page 10</p> <p>1               - - -</p> <p>2               E X H I B I T S</p> <p>3               - - -</p> <p>4       NO.       DESCRIPTION               PAGE</p> <p>5   Rite Aid - Email chain ending       217</p> <p>6   Novack    December 19, 2012, Bates</p> <p>7   Exhibit 10 No. MCK_MDL_00571625 to</p> <p>8               MCK_MDL_00571628</p> <p>9   Rite Aid - Email chain ending       231</p> <p>10   Novack   February 21, 2014, Bates</p> <p>11   Exhibit 11 No. MCK_MDL_00547503 to</p> <p>12               MCK_MDL_00547510</p> <p>13   Rite Aid - Email chain ending October   257</p> <p>14   Novack   7, 2017, Bates No.</p> <p>15   Exhibit 12 MCK_MDL_00633242</p> <p>16   Rite Aid - Email chain ending August   267</p> <p>17   Novack   27, 2014, Bates No.</p> <p>18   Exhibit 13 MCK_MDL_00627585 to</p> <p>19               MCK_MDL_00627587</p> <p>20   Rite Aid - Email chain ending August   286</p> <p>21   Novack   27, 2014, Bates No.</p> <p>22   Exhibit 14 Rite_Aid_OMDL_0030479 to</p> <p>23               Rite_Aid_OMDL_0030684</p> <p>24</p>	<p style="text-align: right;">Page 12</p> <p>1   DEPOSITION SUPPORT INDEX</p> <p>2</p> <p>3   DIRECTION TO WITNESS NOT TO ANSWER</p> <p>4   Page   Line</p> <p>5   19   15</p> <p>6</p> <p>7</p> <p>8   REQUEST FOR PRODUCTION OF DOCUMENTS</p> <p>9   Page   Line</p> <p>10   - -none- -</p> <p>11</p> <p>12</p> <p>13   STIPULATIONS</p> <p>14   Page   Line</p> <p>15   - -none- -</p> <p>16</p> <p>17</p> <p>18   QUESTIONS MARKED</p> <p>19   Page   Line</p> <p>20   - -none- -</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 11</p> <p>1               - - -</p> <p>2               E X H I B I T S</p> <p>3               - - -</p> <p>4       NO.       DESCRIPTION               PAGE</p> <p>5   Rite Aid - Email chain ending August   316</p> <p>6   Novack   28, 2014, Bates No.</p> <p>7   Exhibit 15 MCK_MDL_00630329 to</p> <p>8               MCK_MDL_00630330</p> <p>9   Rite Aid - Email chain ending June   333</p> <p>10   Novack   17, 2013, Bates No.</p> <p>11   Exhibit 16 Rite_Aid_OMDL_003075 to</p> <p>12               Rite_Aid_OMDL_003077</p> <p>13   Rite Aid - Email chain ending October   349</p> <p>14   Novack   9, 2013, Bates No.</p> <p>15   Exhibit 17 Rite_Aid_OMDL_0050291 to</p> <p>16               Rite_Aid_OMDL_0050306</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 13</p> <p>1               - - -</p> <p>2               9:37 a.m.</p> <p>3               New York, New York</p> <p>4               - - -</p> <p>5               THE VIDEOGRAPHER: We are now on</p> <p>6   the record.</p> <p>7               My name is Ray Moore. I am a</p> <p>8   videographer for Golkow Litigation</p> <p>9   Services.</p> <p>10              Today's date is January 9th,</p> <p>11   2019, and the time is 9:37 a.m.</p> <p>12              This video deposition is being</p> <p>13   held in New York, New York in the</p> <p>14   matter In Re: National Prescription</p> <p>15   Opiate Litigation, for the United</p> <p>16   States District Court for the Northern</p> <p>17   District of Ohio, Eastern Division,</p> <p>18   MDL Number 2804.</p> <p>19              The deponent is Sophia Novack.</p> <p>20              Counsel will be noted on the</p> <p>21   stenographic record.</p> <p>22              The court reporter is Marie</p> <p>23   Foley, and will now swear in the</p> <p>24   witness.</p>

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1                   - - -  
2 SOPHIA NOVACK, the Witness herein, having  
3     been first duly sworn by a Notary  
4     Public in and of the State of New  
5     York, was examined and testified as  
6     follows:  
7 EXAMINATION BY  
8 MR. SIMMER:  
9     Q.   Good morning, ma'am. My name is  
10    Scott Simmer. I'm here on behalf of the  
11    plaintiffs in the -- this litigation from  
12    Baron and Budd.  
13           Have you been deposed before?  
14    A.   No.  
15    Q.   Okay. I expect your counsel or  
16    the counsel sitting next to you has talked  
17    to you about this as well. I may go  
18    through some of the ground rules.  
19           I'm going to be asking you a  
20    series of questions. The court reporter  
21    is taking down verbatim what we each say.  
22    For that reason, it's important that we do  
23    not talk over each other. She can only  
24    take down one speaker at a time.

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1           Is that fair?  
2    A.   Yes.  
3    Q.   And, for that reason too, you  
4    must answer verbally. You can't just nod  
5    your head. She can't take down a nod of  
6    the head. So you have to answer verbally.  
7           Do you understand?  
8    A.   Yes.  
9    Q.   You also have to answer fully  
10   and accurately and verbally.  
11           You understand?  
12   A.   Yes.  
13   Q.   If you don't understand a  
14   question, please say so and I'll try to  
15   rephrase it. Otherwise, I can -- I will  
16   assume that you understood what I'm  
17   asking.  
18           Is that fair?  
19   A.   Yes.  
20   Q.   You understand that you must  
21   answer truthfully, correct?  
22   A.   Yes.  
23   Q.   You can request a break at any  
24   time. My only request is that if there's

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1 a question pending, you have to answer it  
2 before we take a break.  
3           You understand?  
4   A.   Yes.  
5           MR. LAVELLE: The witness  
6   reserves the right to consult with  
7   counsel on issues of privilege.  
8 BY MR. SIMMER:  
9   Q.   Just as happened just now with  
10   Mr. Lavelle, from time to time, the  
11   attorneys will lodge objections. You are  
12   still expected to answer unless counsel  
13   directs you not to answer.  
14           Do you understand?  
15   A.   Yes.  
16   Q.   And, do you understand these  
17   procedures?  
18   A.   Yes.  
19   Q.   Is there any reason why you  
20   cannot testify truthfully and accurately  
21   today?  
22   A.   No.  
23   Q.   You're not taking any medication  
24   of any kind that would interfere with your

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1 ability to answer truthfully?  
2   A.   No.  
3   Q.   There's counsel sitting next to  
4   you.  
5           Did you retain this -- Morgan  
6   Lewis to defend you in this deposition?  
7   A.   Yes.  
8   Q.   Are you paying for your counsel  
9   today?  
10   A.   No.  
11   Q.   Who's paying for your counsel  
12   today?  
13   A.   Rite Aid headquarters.  
14   Q.   What's your understanding of why  
15   you are here today?  
16   A.   Involvement in lit -- opioid  
17   litigations.  
18   Q.   I can tell right away I'm going  
19   to have to ask you to speak up a bit. I'm  
20   a little hard of hearing, so.  
21   A.   Okay.  
22   Q.   Thank you.  
23           Did you meet with attorneys  
24   representing the company in preparation

<p style="text-align: right;">Page 18</p> <p>1 for your testimony? 2 A. Yes. 3 Q. Who did you meet with? 4 A. I met with John, Kelly and 5 Carolyn. 6 Q. And when did you meet with them? 7 A. The last couple of days. 8 Q. How long did you meet with them? 9 A. For couple hours over three 10 days. 11 Q. Couple? 12 A. Couple of hours over three days. 13 Q. Did they show you any documents? 14 A. Yes. 15 Q. How many? 16 A. A binder full. 17 Q. What kind of documents, just 18 generally? 19 A. Communications that I've had, 20 training documents that we've done. 21 Q. I asked you a moment ago, but 22 I'm going to ask you again just to 23 clarify. 24 Have you been involved in</p>	<p style="text-align: right;">Page 20</p> <p>1 disclosure of attorney/client 2 communications. 3 BY MR. SIMMER: 4 Q. There's nothing privileged about 5 whether -- a yes-or-no question whether 6 you asked -- they asked you to produce 7 documents. 8 A. No. 9 Q. Did they ask you to produce any 10 hard copy files you had in your 11 possession? 12 MR. LAVELLE: Objection. 13 Direct the witness not to answer 14 to the extent it would require 15 disclosure of attorney/client 16 communications. 17 A. No. 18 Q. Do you have any hard copy files 19 or electronic files from your time at 20 Rite Aid in your possession? 21 A. No. 22 Q. Nothing on a computer or 23 anywhere from your time at Rite Aid? 24 A. No.</p>
<p style="text-align: right;">Page 19</p> <p>1 litigation of any kind before? 2 A. No. 3 Q. Not as a party? 4 A. No. 5 Q. Not as a witness? 6 A. No. 7 Q. Have you ever testified before 8 in a deposition? 9 A. No. 10 Q. In preparation for your 11 testimony the counsel got in touch with 12 you, did they ask you to produce to them 13 any documents you had in your possession? 14 MR. LAVELLE: Objection. 15 Direct the witness not to answer 16 to the extent it will require 17 disclosure of attorney/client 18 communications. 19 BY MR. SIMMER: 20 Q. Did they ask you to produce 21 documents in your possession? 22 MR. LAVELLE: Same objection. 23 Direct the witness not to answer 24 to the extent it would require</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. No boxes of documents from your 2 time at Rite Aid? 3 A. No. 4 (Rite Aid - Novack Exhibit 1, 5 LinkedIn page for Sophia Novack, was 6 marked for identification, as of this 7 date.) 8 MR. LAVELLE: Counsel, what are 9 we labeling this? Is this Novack 1? 10 MR. SIMMER: Novack Exhibit 1. 11 MR. LAVELLE: Thank you. 12 BY MR. SIMMER: 13 Q. I handed you what we are marking 14 as Novack Exhibit 1, which is your 15 LinkedIn page. 16 Have you seen -- have you 17 prepared that? 18 MR. LAVELLE: Object to form. 19 BY MR. SIMMER: 20 Q. Is the information on the 21 LinkedIn page something you prepared? 22 A. Yes. 23 Q. When he objects to form, you 24 still have to answer.</p>

<p style="text-align: right;">Page 22</p> <p>1 You understand?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So, the information is</p> <p>4 information that you put on your LinkedIn</p> <p>5 page, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Let me start with your</p> <p>8 educational background.</p> <p>9 It says here that you went to</p> <p>10 the Arnold Marie Schwartz College of</p> <p>11 Pharmacy.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And what was your year of</p> <p>15 graduation?</p> <p>16 A. 2005.</p> <p>17 Q. Did you have any special area of</p> <p>18 specialization while you -- when you went</p> <p>19 to pharmacy school?</p> <p>20 A. I achieved the doctorate of</p> <p>21 pharmacy and also the university honors</p> <p>22 program.</p> <p>23 Q. My question was somewhat</p> <p>24 different.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Brooklyn, New York.</p> <p>2 Q. And, what were your job</p> <p>3 responsibilities?</p> <p>4 A. Counsel patients and dispense</p> <p>5 medications in the data entry system under</p> <p>6 the supervision of a pharmacist.</p> <p>7 Q. And you worked in an actual</p> <p>8 pharmacy; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. What was the name of the</p> <p>11 pharmacy where you worked?</p> <p>12 A. Rite Aid Pharmacy.</p> <p>13 Q. Is there a number for the</p> <p>14 Rite Aid Pharmacy where you worked?</p> <p>15 A. Yes.</p> <p>16 Q. That's how they keep track of</p> <p>17 them is by a four-digit number, correct?</p> <p>18 A. It was a four-digit number, yes.</p> <p>19 Q. And, what was the number?</p> <p>20 A. I don't recall the number</p> <p>21 exactly.</p> <p>22 It was the location on Seaview</p> <p>23 Avenue in Brooklyn, New York.</p> <p>24 Q. And, how many years did you work</p>
<p style="text-align: right;">Page 23</p> <p>1 I asked you if you had any area</p> <p>2 of specialization in your pharmacy degree.</p> <p>3 MR. LAVELLE: Object to form.</p> <p>4 A. Just pharmacy.</p> <p>5 Q. Okay. And, where did you get</p> <p>6 your undergraduate degree?</p> <p>7 A. Same college, Long Island</p> <p>8 University.</p> <p>9 Q. And you had a pharmacy degree?</p> <p>10 A. I graduated with a doctor of</p> <p>11 pharmacy. It's one program, one degree.</p> <p>12 Q. How many years did you go to</p> <p>13 school there?</p> <p>14 A. Six years.</p> <p>15 Q. And, what was your first job</p> <p>16 post-graduation?</p> <p>17 A. Rite Aid Pharmacy as an intern.</p> <p>18 Q. When you say an intern, is that</p> <p>19 a full-time position?</p> <p>20 A. It was a part-time position.</p> <p>21 Q. Was that a paid position?</p> <p>22 A. It was a paid position.</p> <p>23 Q. What was the geographic location</p> <p>24 where you worked?</p>	<p style="text-align: right;">Page 25</p> <p>1 there as an intern?</p> <p>2 A. I worked there as an intern for</p> <p>3 a couple months.</p> <p>4 Q. And, what was your next</p> <p>5 position?</p> <p>6 A. Pharmacist position.</p> <p>7 Q. At the same pharmacy?</p> <p>8 A. At a different location in</p> <p>9 Brooklyn, New York.</p> <p>10 Q. And, what was the location for</p> <p>11 that pharmacy?</p> <p>12 A. It was in -- on Pennsylvania</p> <p>13 Avenue in Brooklyn, New York.</p> <p>14 Q. And, what were your</p> <p>15 responsibilities?</p> <p>16 A. Dispense medications to</p> <p>17 patients, counsel and make sure that they</p> <p>18 understood what the medications were for.</p> <p>19 Q. What hours did you work, if you</p> <p>20 recall?</p> <p>21 A. Usually an eight-hour shift</p> <p>22 during the week and rotating weekends.</p> <p>23 Q. This was a full-time position</p> <p>24 this time?</p>



<p style="text-align: right;">Page 26</p> <p>1 A. Full-time position.</p> <p>2 Q. And, how long did you work in</p> <p>3 this position in Brooklyn?</p> <p>4 A. I was in that position for about</p> <p>5 a year, and then I became a pharmacy</p> <p>6 manager.</p> <p>7 Q. And a pharmacy manager is of a</p> <p>8 specific pharmacy; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And, what pharmacy were you the</p> <p>11 manager for?</p> <p>12 A. A pharmacy in Jackson Heights,</p> <p>13 New York.</p> <p>14 Q. What are the responsibilities of</p> <p>15 a pharmacy manager?</p> <p>16 A. Same as the pharmacist, except</p> <p>17 oversee the operations of the pharmacy</p> <p>18 along with the personnel.</p> <p>19 Q. So, when you say you oversee the</p> <p>20 operations of the pharmacy, what did you</p> <p>21 do for that?</p> <p>22 A. Insure that we were operating</p> <p>23 within regulatory compliance, be ready for</p> <p>24 any type of inspection, and we had direct</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Do you recall what percentage</p> <p>2 you had to answer correctly?</p> <p>3 A. I don't recall the passing rate.</p> <p>4 Q. When you say compliant --</p> <p>5 "regulatory compliance," what did that</p> <p>6 entail?</p> <p>7 A. Entailed following DEA</p> <p>8 regulations, recordkeeping, following our</p> <p>9 dispensing regulations and if we had any</p> <p>10 inspections that were coming into the</p> <p>11 door. Basically making sure that we were</p> <p>12 following policies and procedures.</p> <p>13 Q. You also said as manager you had</p> <p>14 to be ready for any type of inspection.</p> <p>15 What kind of inspections were</p> <p>16 you talking about?</p> <p>17 A. From any outside agency or</p> <p>18 internal agency. We have our internal</p> <p>19 audits that come in to do compliance</p> <p>20 checks too.</p> <p>21 Q. What outside agencies are you</p> <p>22 talking about?</p> <p>23 A. Anyone that could regulate us,</p> <p>24 whether it's a fire inspection, whether</p>
<p style="text-align: right;">Page 27</p> <p>1 P&amp;L responsibility.</p> <p>2 Q. What training did you receive in</p> <p>3 regulatory compliance in order to fulfill</p> <p>4 that function?</p> <p>5 A. We had training from our</p> <p>6 pharmacy district manager. We had various</p> <p>7 computer-based training, and there were a</p> <p>8 lot of job aids and help guides that were</p> <p>9 on our Rite Aid portal for resources.</p> <p>10 Q. Did you receive any kind of</p> <p>11 certification of any kind for your</p> <p>12 compliance?</p> <p>13 A. Did not receive any, no.</p> <p>14 Q. Did you take any kind of exams</p> <p>15 in order to, you know, make sure that you</p> <p>16 understood the content of the compliance</p> <p>17 training you received?</p> <p>18 MR. LAVELLE: Object to form.</p> <p>19 A. There were questions that you</p> <p>20 had to pass at the end of the e-learnings.</p> <p>21 Q. Did you have to answer a certain</p> <p>22 percentage of the questions correctly</p> <p>23 before you could continue on?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 29</p> <p>1 it's a DEA, whether it's the Board of</p> <p>2 Pharmacy, whether it's a third-party</p> <p>3 audit.</p> <p>4 Q. And you also said that as a</p> <p>5 manager of this pharmacy, you had direct</p> <p>6 P&amp;L responsibility.</p> <p>7 What is that?</p> <p>8 A. The profit and loss statement.</p> <p>9 Q. I understand. But, what does</p> <p>10 that include?</p> <p>11 A. The overall operations of the</p> <p>12 store from sales to gross profit to what</p> <p>13 our losses, our expenses are, and at the</p> <p>14 end of the day, what the bottom line is.</p> <p>15 Q. So, am I right you had a</p> <p>16 responsibility to make sure the pharmacy</p> <p>17 was profitable?</p> <p>18 MR. LAVELLE: Object to form.</p> <p>19 A. We had responsibility to make</p> <p>20 sure that we were operating the store as</p> <p>21 best as we can.</p> <p>22 Q. Just as best you could. Is that</p> <p>23 the only expectation the company had?</p> <p>24 MR. LAVELLE: Object to form.</p>



<p style="text-align: right;">Page 30</p> <p>1 A. The expectation was to control 2 what we can control. 3 Q. To control what you can control. 4 I don't have any idea what you just said. 5 What does that mean? 6 MR. LAVELLE: Object to form. 7 A. To control our expense lines 8 that we directly have impact over, making 9 sure that we're not over-ordering to 10 create overstock or ultimately damages 11 that will decrease our line, making sure 12 that we're protecting our assets inside 13 the pharmacy, managing our supply, 14 managing our payroll, managing the things 15 that we can control. 16 Q. Did you in turn train the others 17 working in the pharmacy with you? 18 A. Yes. 19 Q. What kind of training did you 20 give them? 21 A. On-the-job training in 22 conjunction with their CBTs and their 23 e-learnings that download throughout the 24 course of their time.</p>	<p style="text-align: right;">Page 32</p> <p>1 store, the non-pharmaceutical items, did 2 you have any responsibility for those? 3 A. No. 4 Q. So your only job was to manage 5 what was back in the pharm -- the 6 prescription pharmacy section of the 7 store, correct? 8 A. Yes. 9 Q. And your P&amp;L responsibilities 10 were only for the prescription drug part 11 of the pharmacy, correct? 12 A. We were tied to the whole store, 13 but my contributions would have been the 14 pharmacy side. 15 Q. Okay. You said you were 16 district manager for this store -- 17 MR. SIMMER: Strike that. 18 Q. You were the manager for this 19 store for how long? 20 A. About a year. 21 Q. Until when? 22 A. Until some time the next year, 23 February. I was promoted to a different 24 position.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. What is CBT? 2 A. Computer-based training. 3 Q. And e-learnings, what is that? 4 A. It's the same thing. It's all 5 electronic learnings. 6 Q. So, they had computer-based 7 training and e-learnings and you trained 8 them in addition to that. 9 Is that -- do I have it right? 10 MR. LAVELLE: Object to form. 11 A. There are training guides that 12 are available that we go through with them 13 manually that we check off as they, go 14 depending on their job role. 15 Q. How many people did you have 16 that you were supervising as manager of 17 the pharmacy? 18 A. In that particular location, a 19 staff pharmacist and a -- one associate. 20 It was a new store. 21 Q. And the associate, is that a 22 pharmacy tech? 23 A. That was a pharmacy tech. 24 Q. What about the front of the</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. February of what year? 2 A. February of 2007. 3 Q. And you were promoted to what 4 position? 5 A. A pharmacy district manager. 6 Q. And, what are the 7 responsibilities a pharmacy district 8 manager? 9 A. To oversee the multi unit 10 pharmacies within that area. 11 Q. Okay. Now, if you could look at 12 Novack Exhibit 1. I think that's what's 13 reflected on your LinkedIn page. 14 Correct? 15 A. Yes. 16 Q. And it says you had that 17 position from February 2007 to August 18 2011. 19 Do I have that right? 20 A. Yes. 21 Q. Okay. And, where were you 22 physically working out of? 23 A. The Queens, Long Island district 24 and then parts of Brooklyn. It was</p>

<p style="text-align: right;">Page 34</p> <p>1 throughout the entire time we had  2 different parts of the metro New York  3 area.  4 Q. How many pharmacies were you  5 responsible for?  6 A. It ranged throughout the  7 districts, either from 18 to about 23  8 stores.  9 Q. When I asked you what your  10 responsibilities were, you said you were  11 to oversee the multi unit pharmacies.  12 What's a multi unit pharmacy?  13 A. Not just one location. Like in  14 the pharmacy manager, I was responsible  15 for one location. As a pharmacy district  16 manager, I was responsible for multiple  17 locations.  18 Q. So, as a district manager, do  19 you go out and visit the -- each pharmacy  20 to make sure that they're doing what the  21 expect -- the company expects them to do?  22 A. We go out, yes.  23 Q. What else do you do in terms of  24 making sure that they're following the</p>	<p style="text-align: right;">Page 36</p> <p>1 compliance overall.  2 Q. You said you also had a DEA  3 checklist.  4 Is that a checklist that the DEA  5 prepared?  6 A. It's an internal checklist that  7 we prepared as a corporation.  8 Q. That somehow then reflects DEA  9 regulations?  10 A. It gives us things that we want  11 to review in the store to make sure that  12 we are compliant with our policies and  13 procedures and regulations.  14 Q. You also said that you did  15 training and mentorship for your pharmacy  16 managers, correct?  17 A. Yes.  18 Q. And, what did that entail?  19 A. It entailed anything that they  20 needed from completing their job duties as  21 a pharmacy manager, questions about  22 operations, questions related to a policy  23 and procedure, just going through our  24 systems and how to use and operate those.</p>
<p style="text-align: right;">Page 35</p> <p>1 company's directives?  2 A. We review with the store teams.  3 We conduct visits to do multiple  4 compliance checks. We do training and  5 mentorship for our pharmacy managers so  6 that they can operate, help them  7 understand some of the policies and  8 procedures that we have and understand  9 overall pharmacy and providing care for  10 patients.  11 Q. You said you do multiple  12 compliance checks.  13 What did that entail?  14 A. We have a quarterly store visit  15 guide that we would do for our pharmacy.  16 We had a DEA checklist that we would do  17 annually for our pharmacies.  18 Q. A quarterly store visit guide,  19 is that an actual physical manual of some  20 kind?  21 A. It's a checklist.  22 Q. A checklist of what items?  23 A. Multitude of items that go over  24 from service to the business to just</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. This is in addition to the  2 online training you referred to earlier?  3 A. Yes.  4 Q. So, how did you know what you  5 were supposed to be training these people  6 about? Did you have materials that you  7 were provided for that purpose?  8 MR. LAVELLE: Object to form.  9 A. It would be questions that the  10 teams would ask while we're there. As we  11 do these audits, if there are any  12 deficiencies or any opportunities, we  13 would know that there may be a training  14 gap and we would fill in that information.  15 Q. So, you simply would respond to  16 the questions that arose during the audit  17 and that's the kind of training you  18 provided?  19 MR. LAVELLE: Object to form.  20 A. That's not what I'm saying.  21 I'm saying that we go and  22 reinforce some things that we may identify  23 that are deficiencies to understand if  24 it's just a performance issue or if it's a</p>

<p style="text-align: right;">Page 38</p> <p>1 knowledge issue, but we do have structured  2 training guides as we onboard a new  3 pharmacist, and we have different things  4 as programs roll out just to make sure  5 that they understand the different pieces  6 of that program.  7 Q. So, how long -- you said -- I  8 think it says in here you were a district  9 manager for a little over four years.  10 Is that right?  11 A. Yes.  12 Q. Did the DEA audit any of your  13 pharmacies during this time period?  14 A. No.  15 Q. Did the company audit any of  16 your pharmacies during this time period?  17 A. We do internal audits all the  18 time throughout the year.  19 Q. So you as a district manager did  20 the audit; is that right?  21 A. I did the audit as a district  22 manager. There's another department, the  23 Asset Protection Department also does  24 audits. We have an Internal Assurance</p>	<p style="text-align: right;">Page 40</p> <p>1 districts that I had. So, it ranged from  2 anywhere from 18 up to over in the 20s.  3 Q. 18 to 20, correct?  4 A. Depending on the district. So,  5 the districts were 15 stores. As we  6 restructured, we went to another district.  7 So it can vary in store count.  8 Q. So, I don't -- I don't quite  9 follow.  10 You said that districts were 15  11 stores, but you were responsible for 18 to  12 20.  13 What's the reason for the  14 variance there?  15 MR. LAVELLE: Object to form.  16 A. Depending on the -- over the  17 four years, we covered different  18 districts. So, my first district was 18  19 stores. My second district was 20  20 some-odd stores. My third district was in  21 that range. So it's anywhere from a range  22 of that district depending on the size.  23 Q. And, how often were you to audit  24 the pharmacies that you were responsible</p>
<p style="text-align: right;">Page 39</p> <p>1 Department that also comes in and does  2 audits.  3 Q. Well, let's go through that.  4 So, you said that you did  5 audits, right?  6 A. That's correct.  7 Q. During that four-year time  8 period, how many audits of pharmacies did  9 you do?  10 A. I couldn't give you an exact  11 number.  12 Q. More than ten?  13 A. More than ten.  14 Q. More than 50?  15 A. I couldn't tell you.  16 Q. Approximately how many?  17 MR. LAVELLE: Objection; asked  18 and answered.  19 A. I don't know if I can give you a  20 concrete number. It was something that we  21 did routinely.  22 Q. How many pharmacies did you --  23 were you responsible for?  24 A. Depends on the time in the</p>	<p style="text-align: right;">Page 41</p> <p>1 for?  2 A. We had quarterly audits.  3 Q. And, tell us everything you did  4 in an audit of a pharmacy.  5 MR. LAVELLE: Object to form.  6 A. We would review the questions on  7 the checklist and we'd insure compliance.  8 We rated it depending on whether they were  9 compliant or not.  10 Q. What are the questions on a  11 checklist? What's that reference to?  12 MR. LAVELLE: Object to form.  13 A. As I mentioned before, it  14 referenced business, service and some  15 compliance and profitability pieces.  16 Q. Focusing on the compliance part  17 of that, what were the compliance areas  18 that you were to audit of your stores?  19 A. Overall recordkeeping, making  20 sure that we were processing recalls, they  21 were doing their damages and outdates,  22 making sure that they were completing the  23 transfer paperwork correctly, making sure  24 that our files were filed correctly, et</p>

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1 cetera.  
2 Q. Did you audit for suspicious  
3 orders, or suspicious prescriptions, I  
4 mean?  
5 MR. LAVELLE: Object to form.  
6 A. We audited hard copy  
7 prescriptions. We audited to make sure  
8 that we had controls in place where we  
9 were locking the safe. We audited the  
10 control box. We audited the control  
11 invoices. So we audited a lot of  
12 different things in relation to ordering.  
13 Q. You said there was another  
14 department, the Asset Protection  
15 Department, that also did audits.  
16 What did that department do?  
17 MR. LAVELLE: Object to form.  
18 A. The Asset Protection Department  
19 basically had their audits that were  
20 either dictated by the Internal Assurance  
21 Department, or they came in to do their  
22 checklist that was related to compliance,  
23 risk and loss.  
24 Q. You really haven't answered my

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1 question.  
2 I asked what did they actually  
3 do in their audit?  
4 MR. LAVELLE: Object to form.  
5 A. So, I couldn't tell you because  
6 that wasn't an audit that I did, but I do  
7 know that they have a checklist that they  
8 reviewed when they were in the store  
9 different ones at different times.  
10 Q. You later went to work in asset  
11 protection though, right?  
12 A. Correct.  
13 Q. So you don't have any idea what  
14 the asset protection audits included?  
15 MR. LAVELLE: Object to form.  
16 A. The Asset Protection Department  
17 audits included different ones depending  
18 on which one. It was about protecting  
19 their assets, whether it be in the front,  
20 cash register, point of sale. If it's a  
21 risk one, it can be different things from  
22 checking if the back door is locked.  
23 Q. So, they did -- when asset  
24 protection came in and did an audit, they

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1 didn't do all of these together; they only  
2 did one at a time.  
3 Is that right?  
4 A. It depended on their audit  
5 schedule.  
6 Q. What do you mean by their audit  
7 schedule?  
8 A. So, in order to make sure that  
9 we are completing all different audits and  
10 making sure that we're doing the right  
11 audits, it -- they had different audits at  
12 different times so that we can get to  
13 every store and that we had it on the  
14 calendar and that we knew that every store  
15 was at least routinely audited.  
16 Q. In advance of asset protection  
17 coming in and auditing one of your stores,  
18 did you know they were coming?  
19 A. No.  
20 Q. How often did asset protection  
21 audit your stores?  
22 MR. LAVELLE: Objection; asked  
23 and answered.  
24 A. They do quarterly audits also.

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1 So --  
2 Q. Of every store?  
3 A. They do quarterly audits for  
4 visit guides. They have different levels  
5 for risk. So, they were always in the  
6 stores.  
7 Whether they were doing a  
8 specific audit at which specific time, I  
9 couldn't tell you.  
10 Q. And there was a third department  
11 that you said that did audits as well.  
12 You called it, I think, the assurance  
13 department?  
14 A. The Internal Assurance  
15 Department.  
16 Q. And, what were their  
17 responsibilities?  
18 A. They -- they went and did a lot  
19 of the different audits that the asset  
20 protection did, but they were a --  
21 basically our internal assurance audit.  
22 So separate from the field, they did the  
23 same audits, see if we got the same  
24 results.

<p style="text-align: right;">Page 46</p> <p>1 Q. So, is Asset Protection                  2 considered field?                  3 A. Asset Protection, yes.                  4 Q. And the Internal Assurance                  5 Department is not field, right?                  6 A. They work for headquarters.                  7 Q. So, internal assurance is an                  8 audit function that is run out of                  9 headquarters, right?                  10 A. Yes.                  11 Q. And this Asset Protection is not                  12 a headquarters operation?                  13 A. They are field leaders. They                  14 are considered part of the district field                  15 team. They do report up to Asset                  16 Protection, that reports up to Internal                  17 Assurance, but they're one of our field                  18 partners.                  19 Q. I failed to ask you this                  20 earlier, I think, that when you became a                  21 district manager, where were you working                  22 out of?                  23 A. I had initially the Queens, Long                  24 Island market, and then I had the Brooklyn</p>	<p style="text-align: right;">Page 48</p> <p>1 different store count. I had Queens, Long                  2 Island. Then I had Brooklyn. So those                  3 were realignments.                  4 Q. And, your -- your LinkedIn page                  5 says your next position was as director of                  6 pharmacy loss prevention.                  7 Is that correct?                  8 A. Yes.                  9 Q. And it says you had that                  10 position from August 2011 to October 2014,                  11 correct?                  12 A. Yes.                  13 Q. Or, so, three years, three                  14 months, correct?                  15 A. Yes.                  16 Q. And it says that you were                  17 working out of Camp Hill, Pennsylvania?                  18 A. Yes.                  19 Q. That's the company's                  20 headquarters, right?                  21 A. Yes.                  22 Q. So that was your physical                  23 location where your office was?                  24 A. Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 market after that.                  2 Q. Okay. But where was your office                  3 physically located?                  4 A. We had an office in Flushing and                  5 we had an office in Brooklyn on Nostrand                  6 Avenue.                  7 Q. Is that where you worked all                  8 four years?                  9 A. Most of my work is in the field,                  10 meaning we were in stores and in sites.                  11 We hardly spent time in the office.                  12 Q. Okay. My question was a little                  13 bit different.                  14 Did, as district manager, did                  15 you always work out of that same district                  16 that you described?                  17 MR. LAVELLE: Object to form.                  18 BY MR. SIMMER:                  19 Q. In other words, did you get                  20 realigned to any other location during                  21 that time period?                  22 MR. LAVELLE: Same objection.                  23 A. I've already said we realigned                  24 several times with different markets,</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. What were your responsibilities                  2 as director of pharmacy loss prevention?                  3 A. To assist the asset protection                  4 district managers in training and learning                  5 the systems for field investigations. We                  6 also worked closely with the different                  7 departments in the company to insure                  8 compliance and different ways to review                  9 analytics so that we can improve our                  10 tactics against theft and diversion.                  11 Q. So, what is -- what are asset                  12 protection district managers doing?                  13 A. They are part of the field team.                  14 They are district managers that really                  15 help us protect our assets in the field.                  16 They do shrink investigations. They do                  17 drug loss investigations. They do all                  18 different types of investigations while                  19 they are also helping with maintaining                  20 compliance and safety.                  21 Q. Just so we're on the same page,                  22 when you say that the -- you were to                  23 insure compliance in different ways to                  24 review analytics so that you could improve</p>



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1 tactics against theft and diversion, what  
2 do you mean by "theft"?  
3 A. Stolen goods.  
4 Q. Goods stolen from one of your  
5 stores?  
6 A. Yes. Anything that's stolen  
7 from our store is loss, comp loss,  
8 anything that at the end of the day we  
9 should have had that is no longer there.  
10 Q. And what do you mean by  
11 "diversion"?  
12 A. Diversion, anything that is  
13 diverted not for its intended use.  
14 Q. Can you give us some examples of  
15 what you mean by "diverted not for its  
16 intended use"?  
17 A. So, for instance, drugs that are  
18 diverted and ultimately end up on the  
19 street, something that goes missing or  
20 goes lost and it's for illegal use.  
21 Q. So, I take it that the position  
22 of director of pharmacy loss prevention  
23 was a promotion for you, correct?  
24 A. Yes.

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1 Q. Did you have people working  
2 under you in that position?  
3 A. Yes.  
4 Q. How many people?  
5 A. Three analysts.  
6 Q. Those are direct reports,  
7 correct?  
8 A. Yes.  
9 Q. Did you have dotted line reports  
10 to you as well?  
11 A. No.  
12 (Rite Aid - Novack Exhibit 2,  
13 Corporate Loss Prevention Department  
14 chart January 26, 2011, Bates No.  
15 Rite\_Aid\_OMDL\_0044539, was marked for  
16 identification, as of this date.)  
17 MR. LAVELLE: Counsel, are we  
18 finished with Novack 1?  
19 (Pause.)  
20 MR. SIMMER: Actually, I'm not  
21 done with it yet. I have a few more  
22 questions. Just hold on to it for a  
23 minute.  
24 (Pause.)

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1 MR. SIMMER: Is there reason why  
2 you have to push them to the side,  
3 John?  
4 MR. LAVELLE: To avoid  
5 confusion.  
6 BY MR. SIMMER:  
7 Q. Okay. I hand you what we marked  
8 Novack Exhibit 1, Bates  
9 Rite\_Aid\_OMDL\_0044539, identified for the  
10 record as an org chart dated January 26,  
11 2011, with the, I guess the heading on the  
12 document Corporate Loss Prevention  
13 Department.  
14 MS. MOORE: Counsel, did you  
15 just say Novack 1?  
16 MR. SIMMER: I'm sorry, Novack  
17 2. Thank you.  
18 BY MR. SIMMER:  
19 Q. Do you see that?  
20 A. Yes.  
21 Q. Was the department you worked in  
22 always, or did -- when you first started  
23 working there, was it called Loss  
24 Prevention?

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1 A. When I started working there, it  
2 was already called Asset Protection.  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 Q. And Sophia Lai, that is your --  
8 before you became Ms. Novack, you were Ms.  
9 Lai, correct?  
10 A. That is correct.  
11 Q. That was your maiden name,  
12 correct?  
13 A. Yes.  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]



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1 [REDACTED]  
2 [REDACTED]  
3 MR. LAVELLE: Counsel, is there  
4 a Bates number for this document? I  
5 don't see it on the copy that's here.  
6 MR. SIMMER: There is on my  
7 copy. I don't know why that one  
8 doesn't.  
9 I just read it into the record,  
10 John.  
11 MR. LAVELLE: Okay.  
12 BY MR. SIMMER:  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED]  
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Page 61

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16 Q. You can put that aside.  
17 (Pause.)  
18 (Rite Aid - Novack Exhibit 3,  
19 Corporate Asset Protection Department  
20 organization chart, Bates No.  
21 Rite\_Aid\_OMDL\_0044732 to  
22 Rite\_Aid\_OMDL\_0044733, was marked for  
23 identification, as of this date.)  
24

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1 BY MR. SIMMER:  
2 Q. I hand you what we've marked as  
3 Novack Exhibit 3. I'll identify it for  
4 the record. It's a two-page exhibit,  
5 Rite\_Aid\_OMDL\_0044732 to 0044733.  
6 If you could take a moment to  
7 look at that.  
8 MR. LAVELLE: Counsel, there's  
9 only one page in front of her.  
10 MR. SIMMER: They didn't print  
11 the back?  
12 If we could go off the record  
13 for a minute.  
14 MR. LAVELLE: Yes, of course.  
15 THE VIDEOGRAPHER: The time is  
16 now 10:20 a.m.  
17 We are going off the record.  
18 (Recess taken.)  
19 THE VIDEOGRAPHER: The time is  
20 now 10:30 a.m.  
21 We are back on the record.  
22 BY MR. SIMMER:  
23 Q. Ma'am, we handed you what we've  
24 marked as Novack Exhibit 3. I'll identify

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1 please.  
2 MR. SIMMER: That's fine.  
3 BY MR. SIMMER:  
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1 Q. Okay. You can set that aside.  
 2 Go back to your résumé for a  
 3 moment, if we could.  
 4 So, the next thing on your  
 5 résumé is that your next position in  
 6 October of 2014 became a regional  
 7 vice-president.  
 8 What were your responsibilities?  
 9 MR. LAVELLE: Object to form.  
 10 A. As a regional vice-president, I  
 11 basically oversaw multiple districts  
 12 within three different states.  
 13 Q. Are you no longer in Asset  
 14 Protection at this point?  
 15 A. No longer in Asset Protection.  
 16 Q. And you're a regional  
 17 vice-president of pharmacy, correct?  
 18 A. Yes.  
 19 Q. So you didn't have any of the  
 20 front of the store responsibilities as a  
 21 regional VP, correct?  
 22 A. I had a partner that was  
 23 responsible for that, a regional  
 24 vice-president.

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1 Q. What were the three states that  
 2 you were responsible for?  
 3 A. I had Georgia, South Carolina,  
 4 and Tennessee.  
 5 Q. And, where were you physically  
 6 located as -- in this position?  
 7 A. In Marietta, Georgia.  
 8 Q. So, was the regional  
 9 vice-president position a promotion for  
 10 you?  
 11 A. Yes.  
 12 Q. Did you have direct reports?  
 13 A. Yes.  
 14 Q. And what direct reports did you  
 15 have?  
 16 A. Pharmacy district managers.  
 17 Q. How many?  
 18 A. We had -- we realigned. I think  
 19 we had 13 direct reports at the time.  
 20 Q. And this position as regional  
 21 vice-president, is that a field-based  
 22 position?  
 23 A. That is a field-base, yes.  
 24 Q. And I ask that because you're

Page 73

1 not working out of the corporate office  
 2 any longer, correct?  
 3 A. Correct.  
 4 Q. And, what did you actually do as  
 5 the vice-president -- regional  
 6 vice-president?  
 7 A. We trained and mentored our  
 8 pharmacy district managers to insure  
 9 operations in the stores that they  
 10 oversaw, which ultimately rolled up to our  
 11 region, over 300 stores at the time.  
 12 Q. Did you have P&L responsibility?  
 13 A. Yes.  
 14 Q. And that would be for the 13  
 15 districts that were under you?  
 16 A. Yes. It's a region --  
 17 Q. And ultimately for the  
 18 pharmacies that were under them, correct?  
 19 A. Yes.  
 20 Q. And again, that's only the  
 21 pharmacy side of those stores, correct?  
 22 A. It's one P&L, but I was  
 23 responsible for the pharmacy  
 24 contributions.

<p style="text-align: right;">Page 74</p> <p>1 Q. And then your partner was  2 responsible for the -- the rest of the  3 contribution, correct?  4 A. Yes.  5 Q. Is there a term for what the  6 rest of that function is called?  7 A. Just store operations.  8 Q. Okay. You had that position for  9 two years and then you became then, in  10 September 2016, a pharmacy district  11 manager.  12 Do you see that?  13 A. Yes.  14 Q. And that was in September 2016,  15 correct?  16 A. Yes.  17 Q. And you held that position for  18 one year six months, correct?  19 A. Yes.  20 Q. And that was in Clifton, New  21 Jersey?  22 A. Yes.  23 Q. Is that a promotion for you?  24 A. No.</p>	<p style="text-align: right;">Page 76</p> <p>1 district manager position you took in  2 September 2016, did that have the same  3 duties as when you had been pharmacy  4 district manager back in February 2007 to  5 August 2011?  6 A. Similar. The position has  7 evolved a bit, but overall, direct store  8 responsibility for multiple pharmacies,  9 yes.  10 Q. And, how many pharmacies are you  11 responsible for, or were you responsible  12 for? Excuse me.  13 A. In that market, 17.  14 Q. And the next position you  15 have -- actually, it looks like you left  16 the company in February 2018.  17 Do I have that right?  18 A. I was actually acquired through  19 an asset purchase through Walgreens  20 acquiring the Rite Aid stores. So my  21 employment had transitioned over in  22 February.  23 Q. You were actually acquired; is  24 that right?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. You stepped down; is that  2 correct?  3 A. Yes.  4 Q. Was that a voluntary move on  5 your part?  6 A. Yes.  7 Q. Why?  8 A. Relocated back for family so  9 that I could start a family of my own.  10 Q. I think we -- you got married at  11 some point along the way; is that correct?  12 A. I got married when I was in  13 headquarters, and then we had a baby about  14 a year-and-a-half ago.  15 Q. Okay. Congratulations.  16 A. Thank you.  17 Q. So, in 2016, you made a family  18 decision that you would step down your  19 responsibilities and move back to New  20 Jersey.  21 Is that -- do I have it right?  22 A. Yes. We moved back to New York.  23 My responsibility was in New Jersey.  24 Q. Okay. And, the pharmacy</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Yes.  2 Q. It's like a baseball player  3 getting acquired.  4 A. I feel like I was drafted.  5 Q. So they acquired the stores that  6 you were managing.  7 Is that right?  8 A. Yes.  9 Q. So, did your responsibilities  10 change when you became a Walgreens  11 employee?  12 A. No. We're currently still  13 operating under the Rite Aid structure.  14 We haven't converted our stores yet.  15 Q. And, so, the labels on the  16 stores that you manage are still Rite Aid,  17 correct?  18 A. Yes.  19 Q. But you're actually a Walgreens  20 employee?  21 A. Yes.  22 Q. So, other than sort of what we  23 just said, what changes have there been in  24 your job function when you became a</p>



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1 Walgreens employee in February 2018?

2 A. There haven't been any changes

3 in function. We are still operating the

4 same stores with the same systems and the

5 same everything.

6 Q. Okay. Have you gone through any

7 kind of retraining or -- when you became a

8 Walgreens employee?

9 MR. LAVELLE: Object to form.

10 A. We have not gone through any

11 training until we have a conversion

12 schedule. So, once we are ready to

13 convert our systems, we will go through

14 that timelines training -- timeline

15 training.

16 Q. By conversion schedule, you mean

17 actually for these to be physically made

18 into Walgreens drug stores?

19 A. Yes.

20 Q. Okay. Does your husband still

21 work for Rite Aid?

22 A. No.

23 Q. Does he work for Walgreens as

24 well?

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1 A. No.

2 Q. Where is he working now?

3 A. He works at H & M.

4 Q. How long did he work for

5 Rite Aid?

6 A. I don't know exactly, but over

7 20-plus years through multiple

8 acquisitions.

9 Q. Was he always in Asset

10 Protection?

11 A. For Rite Aid?

12 Q. Yes, ma'am.

13 A. I don't know. When I met him,

14 he was in Asset Protection. I don't know

15 if he was always with Asset Protection.

16 Q. Okay. You can set that aside.

17 (Rite Aid - Novack Exhibit 4,

18 e-mail dated January 25, 2012, with

19 attachment, Bates No.

20 Rite\_Aid\_OMDL\_037355 to

21 Rite\_Aid\_OMDL\_037371, was marked for

22 identification, as of this date.)

23 BY MR. SIMMER:

24 Q. The court reporter is handing

Page 80

1 you what we marked as Novack Exhibit 8.

2 Again the printing service cut off the

3 Bates numbering, so I'll read it into the

4 record as Rite\_Aid\_OMDL\_037355 through

5 37371. And we've put it up on the screen

6 too.

7 MR. LAVELLE: Counsel, you said

8 Exhibit 8, but it's been marked by the

9 court reporter as 4.

10 MR. SIMMER: I'm sorry. I said

11 8? I meant 4.

12 You didn't read my mind, John.

13 Come on.

14 MR. LAVELLE: I just want to

15 make sure the record is clear.

16 BY MR. SIMMER:

17 Q. Take a moment and look at that

18 document, if you would.

19 MR. LAVELLE: I'll just note,

20 while the witness is looking at this

21 document, that it's another one where

22 the Bates number is not on the copy

23 that's in front of her. So we'll need

24 to substitute, as we discussed

Page 81

1 earlier.

2 MR. SIMMER: I think I said the

3 same thing.

4 MR. LAVELLE: Right.

5 BY MR. SIMMER:

6 [REDACTED]

7 [REDACTED]

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21 Q. What's an individual base code?

22 A. It's a drug. So, if it's

23 oxycodone, whether it's hydrocodone,

24 whether it's clonazepam, that's an

Page 96

1 individual code.

2 Q. What -- but, I'm not clarifying this.

3 What is a base code? The term

4 "base," what does that mean?

5 MR. LAVELLE: Object to form.

6 A. It's the ingredient.

7 Q. So, oxycodone could have

8 multiple codes, but what is its base code?

9 MR. LAVELLE: Object to form.

10 A. Oxycodone is the base code.

11 Q. As I understand it, every drug

12 comes with an NDC, correct?

13 A. Yes.

14 Q. The NDC reflects the actual

15 ingredient, but also has package size and

16 strength, correct?

17 A. Correct.

18 Q. So, when you're talking about

19 individual base code, does that also

20 reflect package size and strength, or is

21 it just the chemical ingredient?

22 MR. LAVELLE: Object to form.

23 A. The base code is the chemical

24 ingredient, accounts for all different

Page 97

1 NDCs.

2 Q. Okay. That's what I'm trying to

3 understand.

4 When you're changing a

5 threshold, let's say I want to change the

6 oxycodone base -- threshold and I want

7 more -- that would include all package

8 sizes, all strengths, right, that base

9 code?

10 MR. LAVELLE: Object to form.

11 A. That, yes.

12 Q. So, when I'm communicating to

13 McKesson I want to increase that

14 threshold, how do they convert that into

15 strength and package size as well?

16 MR. LAVELLE: Object to form.

17 BY MR. SIMMER:

18 Q. Do you see what I'm saying, the

19 problem I'm having with just increasing

20 base code only?

21 MR. LAVELLE: Same objection.

22 A. The base code is the individual.

23 So, once they've exceeded that threshold,

24 it doesn't matter which NDC you're

Page 98

1 ordering, it debits to the same threshold.  
2 Q. So, if I understand it, Rite Aid  
3 had a threshold of 5,000 per month; is  
4 that right? For individual base codes,  
5 correct?  
6 MR. LAVELLE: Object to form.  
7 A. Could you repeat that?  
8 Q. Do I have it right that Rite Aid  
9 had a threshold of 5,000 units for each  
10 base code per month?  
11 A. No, that's not right.  
12 Q. Okay. What was the threshold?  
13 A. It was 5,000 dosage units per  
14 NDC per order.  
15 Q. And a dosage unit, it would be  
16 what?  
17 A. The count of tablets, capsules.  
[REDACTED]

Page 99

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 20 What is a clinic protocol?  
 21 A. A clinic protocol is something  
 22 we designed for our store teams to go  
 23 through when they are requesting for a  
 24 threshold increase that we need some more

Page 107

1 information on.  
 2 Q. Is that an actual document or a  
 3 online procedure they're supposed to  
 4 follow?  
 5 A. It's an actual document.  
 6 Q. Where is that housed?  
 7 A. We send it out to them  
 8 individually each time we need a clinic  
 9 protocol done.  
 10 Q. And, what is the document  
 11 called?  
 12 A. Clinic protocol.  
 13 Q. And, are these retained by the  
 14 company?  
 15 A. Yes.  
 16 Q. And, where are they retained?  
 17 A. In the Government Affairs  
 18 Department.  
 19 Q. So, every time a threshold  
 20 increase is requested, the -- the store --  
 21 excuse me. The pharmacy manager, and then  
 22 in turn the district manager, have to  
 23 complete the form; is that correct?  
 24 MR. LAVELLE: Object to form.

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1 A. It is determined based off of  
 2 the request.  
 3 Q. What do you mean by that?  
 4 A. So, upon a second request or  
 5 upon a request that does not seem -- that  
 6 we need additional information on to  
 7 determine that there is a legitimate  
 8 business need or a patient need, we will  
 9 send out a clinic protocol to that store  
 10 and that store team.  
 11 Q. Okay. So, the clinic protocol  
 12 is not something routinely required. It's  
 13 only if the Asset Protection people feel  
 14 it's necessary, correct?  
 15 A. Yes.  
 16 Q. And, what are the circumstances  
 17 under which Asset Protection would require  
 18 the clinic protocol to be completed?  
 19 A. We go through a lot of different  
 20 analytics to review the base business, the  
 21 reason for the business and to review  
 22 doctors. We utilize our KPIs and also IMS  
 23 data to feed a lot of that information.  
 24 If it was something simplistic, like we

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1 purchased a independent pharmacy and their  
 2 files are coming and we're increasing our  
 3 overall business by 60 percent, then we  
 4 can look at our dispensing history. But  
 5 if there was no external reason for this  
 6 increase in demand, then we would do our  
 7 due diligence.  
 8 Q. And that's when you would  
 9 request the clinic protocol form to be  
 10 completed?  
 11 A. Yes.  
 12 Q. And you do the analytics in  
 13 every instance?  
 14 A. For a threshold increase, yes.  
 15 Q. You said you review the business  
 16 business.  
 17 What is that?  
 18 A. We review the business needs.  
 19 Q. Business need. I'm sorry.  
 20 What is business need?  
 21 A. Our patients that come in  
 22 through our door that have prescriptions  
 23 for legitimate need, medical need.  
 24 Q. So, when you say you review the

<p style="text-align: right;">Page 110</p> <p>1 patients that come through our door to                  2 determine if there's a legitimate need,                  3 what do you actually do to determine that?                  4 A. You asked what business needs                  5 meant. So that's what I meant by business                  6 needs.                  7 Q. Is that something you do in                  8 every instance, look at the patient need?                  9 MR. LAVELLE: Object to form.                  10 A. For any threshold increase, we                  11 do review the full base business before we                  12 recommend or request a threshold increase.                  13 Q. You said you also review the                  14 doctors, correct?                  15 A. We review the prescribers that                  16 drive some of the -- or their top                  17 prescribers in the base code for that                  18 store.                  19 Q. And how do you do that?                  20 A. We run our dispensing history.                  21 Q. And then when you say you review                  22 them, what do you do?                  23 A. We pull up the information. We                  24 look at what the dosage units are that</p>	<p style="text-align: right;">Page 112</p> <p>1 information?                  2 A. From our dispensing information.                  3 We give them a data feed of all of our                  4 transactions.                  5 Q. So, a performance indicator is a                  6 what? What is that?                  7 MR. LAVELLE: Object to form.                  8 A. A performance indicator are                  9 different metrics that we've identified                  10 that, if there was an anomaly, could lead                  11 us to suspicious activity.                  12 Q. And what do you mean by metrics                  13 that you've identified? What are they?                  14 MR. LAVELLE: Object to form.                  15 A. There's a lot of different ones                  16 that are in the system. We track cycle                  17 countdowns. We track order adjustments.                  18 We track number of manual orders that are                  19 placed. We track dispensing information.                  20 We track if anything has been sold and                  21 then resold or deleted. So, a lot of                  22 different information that feeds in and we                  23 can look at it.                  24 Q. I take it that what you are</p>
<p style="text-align: right;">Page 111</p> <p>1 they are dispensing, how many                  2 prescriptions, how many patients, are they                  3 also dispensing other medications that are                  4 non-controlled. Then we look at their                  5 disciplines for our top doctors through                  6 IMS, check for their DEA registration,                  7 make sure that they have prescribing                  8 authority for controlled substances. We                  9 check to make sure that they have an                  10 active license. We check to see what                  11 their profession is to make sure that it                  12 is within their prescribing rights.                  13 Q. You also said you utilize your                  14 KPIs.                  15 What is that?                  16 A. In Naviscript we have a lot of                  17 key performance indicators that allow us                  18 to review the business and if there's any                  19 instance of diversion in our stores. So,                  20 before we increase a threshold, we make                  21 sure we don't have any indication of an                  22 internal issue.                  23 Q. So, this Naviscript third party                  24 vendor program, where do they get their</p>	<p style="text-align: right;">Page 113</p> <p>1 doing in Asset Protection, you're using                  2 the dispensing data for that purpose?                  3 A. Yes. Dispensing data and                  4 transaction data from inventory and we're                  5 using transaction data from our point of                  6 sale system.                  7 Q. You said that you track cycle                  8 countdowns.                  9 What is that?                  10 A. Any time an on-hand adjustment                  11 is down.                  12 We actually track all cycle                  13 counts, whether it's up or down.                  14 Q. Still don't follow what you mean                  15 by an on-hand adjustment.                  16 MR. LAVELLE: Object to form.                  17 A. If our inventory system shows                  18 that we should have one cup and I go to                  19 the shelf and I don't have one cup, I put                  20 zero because I don't physically have it.                  21 That's considered an on-hand adjustment.                  22 It's a cycle counting down.                  23 Q. What's an order adjustment?                  24 A. We have an auto replenishment</p>

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1 system that takes our trend and generates  
2 an order for our store. If the store  
3 decides that they want to increase or  
4 decrease the order, then that would be an  
5 adjustment, and we would track that too.  
6 Q. You said you also track the  
7 number of manual orders that are placed?  
8 A. Yes. We can see any type of  
9 orders that were placed in through our  
10 vendors, and that will also come up in our  
11 KPI system.  
12 Q. But what is a manual order  
13 adjustment?  
14 A. Somebody that goes in and  
15 overrides the order manually,  
16 replenishment suggested this and they do  
17 more, or they went and placed an order  
18 through our vendors.  
19 Q. Okay. I'm not following you  
20 though.  
21 So, a manual adjustment, who's  
22 doing a manual change here? Is it the  
23 local pharmacist?  
24 MR. LAVELLE: Object to form.

Page 115

1 A. It's the associate in the store.  
2 So the --  
3 Q. The associate and not the  
4 pharmacist?  
5 MR. LAVELLE: I think the  
6 witness was not finished answering --  
7 giving her answer.  
8 BY MR. SIMMER:  
9 Q. I apologize. Go ahead.  
10 Complete your answer.  
11 A. The ordering system is  
12 accessible by our pharmacy associate, and  
13 a pharmacy associate can place an order  
14 for medications.  
15 Q. Again, is it pharmacy associate,  
16 that's not the pharmacist, right?  
17 MR. LAVELLE: Object to form.  
18 A. It could be the pharmacist,  
19 pharmacy manager. It could be a pharmacy  
20 technician.  
21 Q. So you're using the term  
22 "pharmacy associate" to include all three?  
23 A. Anyone in that pharmacy.  
24 [REDACTED]

Page 116

[REDACTED]

Page 117

[REDACTED]

Page 118

[REDACTED]

Page 120

[REDACTED]

Page 119

[REDACTED]

Page 121

[REDACTED]

Page 122

[REDACTED]

Page 124

[REDACTED]

Page 123

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Page 125

[REDACTED]



Page 126

[REDACTED]

Page 128

[REDACTED]

Page 127

[REDACTED]

Page 129

[REDACTED]

Page 130

[REDACTED]

Page 132

[REDACTED]

Page 131

[REDACTED]

Page 133

[REDACTED]

Page 134

[REDACTED]

Page 136

[REDACTED]

15 MR. SIMMER: Could we take a  
16 break?  
17 MR. LAVELLE: Yes.  
18 THE VIDEOGRAPHER: The time is  
19 now 11:39 a.m.  
20 We're going off the record.  
21 (Recess taken.)  
22 THE VIDEOGRAPHER: The time is  
23 now 11:55 a.m.  
24 We are back on the record.

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[REDACTED]

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1 (Rite Aid - Novack Exhibit 5,  
2 email chain ending November 10, 2012,  
3 with attachment, Bates No.  
4 Rite\_Aid\_OMDL\_00029787 to  
5 Rite\_Aid\_OMDL\_00029954, was marked for  
6 identification, as of this date.)  
7 BY MR. SIMMER:  
8 Q. The court reporter is going to  
9 hand you what we've marked as Novack  
10 Exhibit 5. It's a massive document. I'm  
11 going to direct your attention to a few  
12 pages in it. You can look at the whole  
13 thing. I think it would save us all some  
14 time if I could just have you look at the  
15 cover email and then direct your attention  
16 to these pages starting -- and, you can  
17 see, they don't have Bates numbers on it,  
18 but the slides themselves have numbers in  
19 the lower right-hand corner. If I could  
20 direct your attention to slide 125 through  
21 149, I think it is.  
22 MR. LAVELLE: Counsel, the copy  
23 does not have numbers on them. Not  
24 only does it not have Bates numbers,



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[REDACTED]

Page 144

[REDACTED]

Page 143

[REDACTED]

Page 145

[REDACTED]

Page 146

[REDACTED]

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[REDACTED]

Page 147

[REDACTED]

Page 149

[REDACTED]

Page 150

[REDACTED]

Page 152

[REDACTED]

Page 151

[REDACTED]

Page 153

[REDACTED]

Page 154

Page 156



Row	Bar Length (approx. % of total width)
1	45
2	85
3	35
4	90
5	65
6	20
7	75
8	88
9	90
10	45
11	25
12	80
13	55
14	25
15	75
16	85
17	55
18	25
19	75
20	90
21	70
22	70

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Page 157

Row	Bar Length (approx. % of total width)
1	15
2	95
3	85
4	55
5	25
6	80
7	90
8	98
9	65
10	95
11	85
12	90
13	80
14	95
15	75
16	90
17	25
18	80
19	95
20	40
21	25
22	95

[illegible]





Page 162

[REDACTED]

Page 164

[REDACTED]

Page 163

[REDACTED]

Page 165

[REDACTED]

Page 166

[REDACTED]

Page 168

[REDACTED]

Page 167

[REDACTED]

Page 169

[REDACTED]

Page 170

[REDACTED]

Page 172

[REDACTED]

Page 171

[REDACTED]

Page 173

[REDACTED]

Page 174

[REDACTED]

Page 176

[REDACTED]

Page 175

[REDACTED]

Page 177

[REDACTED]

Page 178

[REDACTED]

Page 180

[REDACTED]

Page 179

[REDACTED]

Page 181

[REDACTED]

9 MR. SIMMER: This is a good time  
10 for our lunch break, if that's okay.  
11 MR. LAVELLE: Okay.  
12 MR. SIMMER: Go off the record.  
13 THE VIDEOGRAPHER: The time is  
14 now 12:38 p.m.  
15 We are going off the record.  
16 (Luncheon recess taken.)  
17 - - -  
18 AFTERNOON SESSION  
19 - - -  
20 THE VIDEOGRAPHER: The time is  
21 now 1:29 p.m.  
22 We are back on the record.  
23 MR. SIMMER: So, we'd like to  
24 just put on the record that we're

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1 going to be using a few exhibits that  
2 actually came out of the McKesson  
3 production, and this is something  
4 that's been a regular subject in other  
5 depositions.  
6 And the protocol we would  
7 suggest is this. And this is dealt  
8 with in CMO-2 33(h). That to the  
9 extent that the deponent authored,  
10 prepared or previously reviewed or  
11 received the information, it can be  
12 used in a deposition even though it  
13 came out of another defendant's  
14 production.  
15 So, our proposal is that for  
16 these exhibits, and they're all  
17 McKesson exhibits, no other defendant,  
18 we'll send them to McKesson's counsel.  
19 And those communications or exhibits  
20 where Ms. Novack is on the entire  
21 email string, we propose to introduce  
22 that exhibit into evidence without any  
23 changes whatsoever, but some of the  
24 exhibits the parties -- the McKesson

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1 employees then go on and have a  
2 back-and-forth interchange in which  
3 Ms. Novack was not included. How  
4 we've handled that is to simply redact  
5 all of that in the spirit of the  
6 CMO 33(h).  
7 So, if there are any concerns  
8 about that, we'd like to go ahead and  
9 get that on the record now. If that  
10 proposal is acceptable, get that on  
11 the record as well.  
12 MS. CHARLES: So, this is Amber  
13 Charles for McKesson Corporation.  
14 I will note that our  
15 understanding of the CMO is that for  
16 documents where Ms. Novack does not  
17 appear, we should have been granted an  
18 opportunity several days ago to review  
19 those documents and essentially allow  
20 their use in an unredacted format.  
21 There may well be, I haven't seen the  
22 documents, but there well may be an  
23 interest of completeness.  
24 You know, it is in McKesson's

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1 interest that the document be  
2 introduced, but we are where we are.  
3 So I'm happy to take a look at those  
4 documents and I will lodge any  
5 objections for the record.  
6 MR. SIMMER: And for the record,  
7 we have just sent you those documents.  
8 If you want us to go off the record  
9 right now so you can review those  
10 documents and you can come back on and  
11 make your objections, or we can  
12 continue on with the questioning and  
13 you can lodge your objection as to  
14 each exhibit as it's entered into the  
15 examination.  
16 MS. CHARLES: Well, I agree with  
17 your reading of the CMO as it relates  
18 to documents where Ms. Novack is on.  
19 So I'm happy for you -- I don't want  
20 to hold up everyone's day. So I'm  
21 happy for you to proceed.  
22 And as for the documents where  
23 you've made redactions, I will have to  
24 take a look and I'll email your

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1 colleague back. I think that might be  
2 the sufficient way.  
3 MR. SIMMER: Okay. Let's  
4 proceed that way. And if, for some  
5 reason, you have concerns, we can deal  
6 with that at the time.  
7 MS. CHARLES: Right.  
8 (Rite Aid - Novack Exhibit 6,  
9 email chain ending September 16, 2011,  
10 Bates No. MCK\_MDL\_00632923 to  
11 MCK\_MDL\_00632925, was marked for  
12 identification, as of this date.)  
13 BY MR. SIMMER:  
14 Q. The court reporter is handing  
15 you what she has marked as Novack  
16 Exhibit 6.  
17 MR. SIMMER: I'll identify it  
18 for the record as MCK\_MDL\_00632923  
19 through '632925. And for the record  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

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[REDACTED]

Page 187

[REDACTED]

13 MS. CHARLES: Objection;  
14 foundation.  
15 MR. SIMMER: That's an improper  
16 objection.  
17 MS. CHARLES: I'm sorry. I  
18 didn't realize you were asking her a  
19 question about McKesson conversations.  
20 She is not a McKesson employee.  
21 MR. SIMMER: The objection is as  
22 to form.  
23 MS. CHARLES: Form or  
24 foundation.

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1 Special Master Polster Kelly has  
2 ruled in previous depositions that he  
3 attended we are able to state the  
4 basis for our objection.  
5 BY MR. SIMMER:  
6 Q. You can answer.  
[REDACTED]

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[REDACTED]



Page 190

[REDACTED]

Page 192

[REDACTED]

Page 191

[REDACTED]

Page 193

[REDACTED]

Page 194

[REDACTED]

Page 196

[REDACTED]

Page 195

[REDACTED]

Page 197

[REDACTED]

Page 198

Page 200

Page 199

Page 201

Page 202

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 Q. Are you familiar with Dr.  
12 Harper?  
13 A. Not personally.  
14 (Rite Aid - Novack Exhibit 7,  
15 pleading in Case No. 5-14CR096, was  
16 marked for identification, as of this  
17 date.)  
18 BY MR. SIMMER:  
19 Q. I'll identify for the record  
20 that the court reporter has handed you  
21 Exhibit 7, Novack 7. It's a pleading  
22 styled United States of America versus  
23 Adolph Harper, Junior, et al. The -- this  
24 is Case No. 5-14CR096. The time stamp is

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1 March 25th, 2014. The document is -- it's  
2 an indictment and it's 36 pages long.  
3 Have you seen this before?  
4 A. No, I have not.  
5 Q. Refresh your recollection about  
6 Dr. Harper?  
7 A. I don't recall seeing this.  
8 Q. Let me read you just from the  
9 introduction section, paragraph number 1:  
10 From on or about September 1, 2009 and  
11 continuing through on or about May 18,  
12 2012, the defendants, Adolph Harper,  
13 Junior, Adria Harper, Patricia Laughman,  
14 Tequila Barry, and others, (collectively  
15 the Harper Drug Trafficking Organization  
16 or "Harper DTO") agreed to illegally  
17 distribute hundreds of thousands of doses  
18 of prescription painkillers to customers  
19 located in the Northern District of Ohio  
20 and elsewhere.  
21 Do you see that?  
22 A. Yes.  
23 Q. Have you ever heard of this  
24 before?

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1 A. I don't recall the specific  
2 situation. I may have heard of something  
3 about this, but didn't recall the name of  
4 the doctor.  
5 Q. I direct your attention to page  
6 8, paragraph 21 under the offense. See  
7 where it says: Beginning at least on or  
8 about September 1, 2009 and continuing  
9 through on or about May 18, 2012, the  
10 exact dates to the grand jury unknown, in  
11 the Northern District of Ohio, Eastern  
12 Division, Adolph Harper, Junior, Adria  
13 Harper, Patricia Laughman and Tequila  
14 Barry, the defendants herein, and others  
15 known and unknown to the grand jury, did  
16 unlawfully, knowingly and intentionally  
17 combine, conspire, confederate and agree  
18 together and with each other, and with  
19 diverse others known and unknown to the  
20 grand jury, to knowingly and intentionally  
21 distribute and dispense oxycodone,  
22 oxymorphone, methadone and amphetamines,  
23 Schedule II controlled substances,  
24 buprenorphine, hydrocodone, Schedule III

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1 controlled substances, and alprazolam and  
2 zolpidem, Schedule IV controlled  
3 substances, outside the usual course of  
4 professional practice and not for a  
5 legitimate medical purpose, contrary to  
6 and in violation of Title 21, U.S. Code  
7 Sections 841(a)(1), (b)(1)(C), (b)(1)(E),  
8 and (b)(2) and 846.  
9 Do you see that?  
10 MR. LAVELLE: Object to form.  
11 A. Yes.  
12 Q. Have you ever heard of this  
13 before?  
14 A. These sections?  
15 Q. This description about Dr.  
16 Harper and his confederates?  
17 A. No.  
18 Q. I direct your attention to  
19 paragraph 25.  
20 On the top of page 10: It is  
21 further part of the conspiracy that Adolph  
22 Harper, Junior distributed "prescription"  
23 to customers who he knew had tested  
24 positive for illegal controlled substances

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1 during the customer's appointment.  
2 Did I read that correctly?  
3 A. Yes.  
4 Q. Did you hear of this before?  
5 A. No.  
6 Q. Paragraph 26: It was further  
7 part of the conspiracy that Adolph Harper,  
8 Junior distributed prescriptions -- excuse  
9 me. Quote, prescription, close quote, for  
10 controlled substances to customers after  
11 he learned that the customer had overdosed  
12 on controlled substances.  
13 Did you see that?  
14 A. I see that here.  
15 Q. Have you heard of this before?  
16 A. No.  
17 Q. Paragraph 26: It was further  
18 part of the conspiracy that Adolph Harper,  
19 Junior continued to distribute  
20 "prescriptions" for controlled substances  
21 after he learned that some of his  
22 customers had died from overdose-related  
23 deaths.  
24 Do you see that?

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1 A. Yes.  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 Q. Look at paragraph 31 at the  
16 bottom of the page: It was further part  
17 of the conspiracy that Harper DTO posted  
18 in Adolph Harper Junior's "medical" office  
19 a list of pharmacies that were likely to  
20 fill Adolph Harper, Junior's  
21 "prescriptions."  
22 Did you see that?  
23 A. Yes.  
24 Q. Have you heard of that before?

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1 A. No.  
2 Q. Look at the next paragraph,  
3 paragraph 32: It was further part of the  
4 conspiracy that Adria Harper and Tequila  
5 Barry completed patient treatment notes  
6 for some of Harper DTO's customers before  
7 the customers arrived at the office for an  
8 appointment.  
9 Do you see that?  
10 A. Yes.  
11 Q. Paragraph 33: It was further  
12 part of the conspiracy that members of the  
13 Harper DTO wrote the same diagnosis for  
14 several of the Harper DTO's customers  
15 regardless of the customer's  
16 individualized medical needs.  
17 Did you see that?  
18 A. I see it here.  
19 Q. Paragraph 34: It was further  
20 part of the conspiracy that Adria Harper,  
21 Patricia Laughman and Tequila Barry wrote  
22 "prescriptions" for controlled substances  
23 in their names and the names of their  
24 friends and family members.

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1 Do you see that?  
2 MR. LAVELLE: Object to form.  
3 A. I see it here.  
4 Q. Have you heard of any of this  
5 prior to today?  
6 A. No.  
7 (Rite Aid - Novack Exhibit 8,  
8 press release dated October 20, 2014,  
9 was marked for identification, as of  
10 this date.)  
11 BY MR. SIMMER:  
12 Q. The court reporter has handed  
13 you what she's marked Exhibit 8. I'll  
14 identify it for the record as a press  
15 release from the United States Attorney's  
16 Office for the Northern District of Ohio  
17 dated October 20, 2014, a two-page  
18 document. The headline is "Akron Doctor  
19 Pleads Guilty to Illegally Prescribing  
20 Painkillers."  
21 Do you see that?  
22 A. Yes.  
23 Q. Did you ever hear of Dr. Harper  
24 pleading guilty to illegally prescribing

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1 painkillers?  
2 MR. LAVELLE: Object to form.  
3 Objection; asked and answered.  
4 A. Not that I recall.  
5 Q. I direct your attention to the  
6 fifth paragraph.  
7 Do you see where it says:  
8 Together they distributed hundreds of  
9 thousands of doses of prescription  
10 medications, including OxyContin,  
11 Percocet, Roxicet, Opana and others, from  
12 Adolph Harper's medical offices in Akron  
13 between 2009 and 2012, according to court  
14 documents.  
15 Do you see that?  
16 MR. LAVELLE: Object to form.  
17 A. I see it here.  
18 Q. Have you ever heard of this  
19 before?  
20 A. Aside from the document you just  
21 read.  
22 Q. Look at the last paragraph on  
23 this page: Adolph Harper's customers,  
24 many of whom were drug addicts exhibiting

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1 clear signs of drug addiction during their  
2 visits to this office, came to his office  
3 and received "prescriptions" for addictive  
4 prescription medications without being  
5 examined by Harper and often without  
6 seeing him at all, according to court  
7 documents.  
8 Do you see that?  
9 A. Yes.  
10 Q. Are you aware at all that Dr.  
11 Harper pled guilty and any of this  
12 information conveyed I just read?  
13 MR. LAVELLE: Object to form.  
14 Objection; asked and answered.  
15 A. Outside of this release, I don't  
16 recall anything specific to this doctor.  
17 (Rite Aid - Novack Exhibit 9,  
18 Cleveland.com article dated February  
19 13, 2015, was marked for  
20 identification, as of this date.)  
21 BY MR. SIMMER:  
22 Q. The court reporter has handed  
23 you what she's marked as Novack Exhibit 9.  
24 I'll identify it for the record as an

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1 article in the Cleveland.com dated, it's  
2 February 2015 -- February 13, 2015,  
3 written by Eric Heisig entitled "Akron  
4 Doctor Who Illegally Prescribed  
5 Painkillers Sentenced to Ten Years in  
6 Prison."  
7 Have you ever heard of this  
8 doctor getting sentenced to ten years in  
9 prison?  
10 A. I don't recall this specific  
11 doctor.  
12 Q. Let me direct your attention to  
13 the first paragraph: Akron, Ohio. A  
14 former Akron doctor who doled out hundreds  
15 of thousands of prescription painkillers  
16 without any medical purpose will spend up  
17 to ten years in a federal prison.  
18 Do you see that?  
19 A. Yes.  
20 Q. I take it your answer would be  
21 the same if I ask again you've never heard  
22 of this before, right?  
23 A. I don't recall this.  
24 MR. LAVELLE: Object to form.

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1 BY MR. SIMMER:  
2 Q. You don't recall whether you --  
3 A. I don't recall this particular  
4 doctor situation. You hear in the media  
5 all the time that a doctor is getting  
6 arrested and they've been pushing pill  
7 mills and -- but I don't recall this  
8 specific doctor or if this was one of the  
9 ones I've heard.  
10 Q. Let me go back here on  
11 Exhibit 6, the email we looked at a moment  
12 ago.  
13 A. Yes.  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

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1 ■ [REDACTED]  
2 Q. Now, if you would, look at  
3 Exhibit 7, the indictment.  
4 A. Yes.  
5 Q. And that first sentence under  
6 overview, do you see where it says: From  
7 on or about September 9 --  
8 MR. SIMMER: Strike that. I'll  
9 start again.  
10 Q. From on or about September 1,  
11 2009 and continuing through on or about  
12 May 18, 2012.  
13 So, I guess my question is, and  
14 I just want to establish for the record,  
15 your request, the one that you passed on  
16 to McKesson for a 15 percent threshold  
17 increase, you'd agree with me is during  
18 the time period of the indictment of Dr.  
19 Harper, right?  
20 MR. LAVELLE: Object to form.  
21 A. Based off of this information,  
22 the threshold increase for this location  
23 was September 2011.  
24 Q. It's within the time period of

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1 the indictment, right?  
2 A. Yes.  
3 MR. LAVELLE: Object to form.  
4 BY MR. SIMMER:  
5 Q. This has some of the redactions  
6 I'm talking about. I'm going to show this  
7 to counsel first. So --  
8 MR. POWERS: And also for the  
9 record, counsel for McKesson has  
10 e-mailed back saying that they do not  
11 object to the use of these documents  
12 for this deposition.  
13 MR. SIMMER: So we'll go ahead  
14 and proceed unless Rite Aid counsel  
15 want to lodge any objection.  
16 MR. LAVELLE: I'd like to see  
17 the document before you show it to the  
18 witness.  
19 MS. CHARLES: On behalf of  
20 McKesson, I'll just note I think it's  
21 already clear on the record that the  
22 redactions on this document were not  
23 as produced by McKesson. They were  
24 added by plaintiff's counsel.

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1 MR. SIMMER: That is correct.  
2 We can waste a lot of time here.  
3 What you're reviewing it for is not  
4 the content of the document, it's the  
5 redactions.  
6 Beyond that, if you have any  
7 concerns about that, we're going to go  
8 ahead and proceed with our  
9 questioning.  
10 MR. LAVELLE: Well, I don't know  
11 what you've redacted. And the copy  
12 you've given to me doesn't have a  
13 Bates number on it.  
14 MR. SIMMER: I've told you what  
15 the issue was, and I'll go ahead and  
16 read into the record what the Bates  
17 number is. We'll substitute in Bates  
18 numbered documents when we get it, so.  
19 MS. CHARLES: I don't want to  
20 hold this up, but if the Bates number  
21 was removed, was our confidentiality  
22 stamping also removed?  
23 MR. SIMMER: We talked about  
24 this this morning, counsel, and we're

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1 going to substitute back in the ones,  
2 but the printing service, for whatever  
3 reason, cut all of the Bates numbering  
4 off of every exhibit.  
5 MS. CHARLES: So, I'll just have  
6 a standing objection to the use of  
7 exhibits without our confidentiality  
8 stamping, but I understand the excuse.  
9 MR. SIMMER: And Rite Aid's  
10 counsel made the same objection early  
11 on.  
12 Do we have one for the witness  
13 too? I don't think we gave it to her  
14 yet.  
15 MR. LAVELLE: You want me to  
16 give this to the court reporter?  
17 MR. SIMMER: The court reporter,  
18 so she can mark it, please.  
19 (Rite Aid - Novack Exhibit 10,  
20 email chain ending December 19, 2012,  
21 Bates No. MCK\_MDL\_00571625 to  
22 MCK\_MDL\_00571628, was marked for  
23 identification, as of this date.)  
24 MR. SIMMER: I identify it for

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1 the record as an email string. The  
2 Bates numbering, which unfortunately  
3 was cut off, but it's MK --  
4 MCK\_MDL\_00571625 through '1628.  
5 BY MR. SIMMER:  
6 Q. Take a moment to review that,  
7 and let me ask you a few questions about  
8 that.  
9 A. (Perusing document.)  
10 MR. SIMMER: For the record, I'm  
11 going to make clear that the exhibit  
12 that we have proffered, the only  
13 redactions on the document were those  
14 that counsel for the plaintiffs did,  
15 which included communications in which  
16 Ms. Lai, or Ms. Novack, was not party.  
17 MR. LAVELLE: So when this was  
18 produced by McKesson, the redaction  
19 was not on there, correct?  
20 MR. SIMMER: That's correct.  
21 MR. LAVELLE: Okay. Thanks.  
22 THE WITNESS: (Perusing document.)  
23 Okay.  
24

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1 BY MR. SIMMER:  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]



Page 222

[REDACTED]

Page 224

[REDACTED]

Page 223

[REDACTED]

Page 225

[REDACTED]

Page 226

[REDACTED]

Page 228

[REDACTED]

Page 227

[REDACTED]

Page 229

[REDACTED]

8 MR. SIMMER: I have another  
9 exhibit that's got some redactions on  
10 it you should look at. McKesson's  
11 counsel, I understand, has no  
12 objections to it.  
13 Do you want to tell her which  
14 one this is? I'll read the exhibit  
15 numbers. We're going to be  
16 introducing to the witness in a moment  
17 another exhibit that's from the  
18 McKesson production. It's Bates  
19 numbered '547503 through '547510.

[REDACTED]

Page 230

1 [REDACTED]

2 MS. MOORE: We're marking this

3 one what?

4 MR. SIMMER: I think we're

5 marking this as 11.

6 MR. LAVELLE: We should be at

7 11. Right?

8 And again, the redaction that's

9 on this page was not in the document

10 as it was originally produced by

11 McKesson? Is that correct?

12 MR. SIMMER: That's correct.

13 MR. LAVELLE: Okay.

14 MR. SIMMER: We've only redacted

15 that portion as a communication on

16 which -- or, no Rite Aid employee,

17 including Ms. Novack, was included.

18 MR. LAVELLE: Okay. I just

19 wrote on this one.

20 Do you have a copy that's clean?

21 MR. SIMMER: That's the one for

22 the witness right there.

23 MR. LAVELLE: All right. Just

24 put the stamp on top of what I wrote

Page 231

1 on there.

2 MR. SIMMER: Just swap in the

3 clean one.

4 MR. LAVELLE: Here. Take this

5 one (handing).

6 (Rite Aid - Novack Exhibit 11,

7 email chain ending February 21, 2014,

8 Bates No. MCK\_MDL\_00547503 to

9 MCK\_MDL\_00547510, was marked for

10 identification, as of this date.)

11 BY MR. SIMMER:

12 Q. The court reporter has handed

13 you what she's marked as Novack

14 Exhibit 11. I'll identify again for the

15 record as Bates numbered MCK\_MDL\_00547503

16 through '547510.

17 Just take a moment to review

18 that and I'll ask you some questions.

19 A. (Perusing document.)

20 Okay.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 232

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 233

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 234

[REDACTED]

Page 236

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Page 235

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Page 237

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Page 238

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Page 240

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Page 239

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Page 241

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Page 242

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Page 244

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Page 243

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Page 245

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Page 246

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Page 248

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Page 247

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Page 249

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Page 250

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Page 252

[REDACTED]

Page 251

[REDACTED]

Page 253

[REDACTED]



Page 254

[REDACTED]

Page 256

[REDACTED]

Page 255

[REDACTED]

Page 257

[REDACTED]

12 MR. SIMMER: Can we take a  
13 break?  
14 MR. LAVELLE: Yes.  
15 THE VIDEOGRAPHER: The time is  
16 now 2:50 p.m.  
17 We're going off the record.  
18 (Recess taken.)  
19 THE VIDEOGRAPHER: The time is  
20 now 3:13 p.m.  
21 We are back on the record.  
22 (Rite Aid - Novack Exhibit 12,  
23 email chain ending October 7, 2017,  
24 Bates No. MCK\_MDL\_00633242, was marked

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Page 260

1 for identification, as of this date.)  
2 BY MR. SIMMER:  
3 Q. Ma'am, the court reporter has  
4 handed you what she's marked as Novack  
5 Exhibit 12, which I'll identify for the  
6 record as MCK\_MDL\_00633242. And it's an

Page 259

Page 261

Page 262

[REDACTED]

Page 264

[REDACTED]

Page 263

[REDACTED]

Page 265

[REDACTED]

Page 266

[REDACTED]

Page 268

[REDACTED]

Page 267

[REDACTED]

Page 269

[REDACTED]

Page 270

[REDACTED]

Page 272

[REDACTED]

Page 271

[REDACTED]

Page 273

[REDACTED]

Page 274

[REDACTED]

Page 276

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Page 275

[REDACTED]

Page 277

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Page 278

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Page 280

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Page 279

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Page 281

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Page 282

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Page 284

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Page 283

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Page 285

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Page 290

[REDACTED]

Page 292

[REDACTED]

Page 291

[REDACTED]

Page 293

[REDACTED]

Page 294

[REDACTED]

Page 296

[REDACTED]

Page 295

[REDACTED]

Page 297

[REDACTED]

Page 298

Page 300

Page 298

Page 300

[REDACTED]

Page 299

Page 301

Question	Percentage of 'Yes' Responses
Do you know what the law says about...?	~85%
Are you aware of the legal consequences of...?	~85%
Have you ever consulted a lawyer or legal professional?	~75%
Do you understand your rights as a citizen?	~65%
Are you familiar with the legal system in your country?	~80%
Do you know where to go if you need legal help?	~70%
Have you ever been involved in a legal dispute?	~90%
Do you know how to file a lawsuit?	~90%
Are you aware of the importance of legal representation?	~90%
Do you know the difference between civil and criminal law?	~35%
Have you ever used legal services?	~90%
Do you know how to access legal aid programs?	~80%
Are you familiar with online legal resources?	~85%
Do you know how to contact a local court or government agency?	~40%
Have you ever attended a public hearing or trial?	~10%
Do you know how to request a public record or document?	~70%
Are you aware of the right to a fair trial?	~85%
Do you know how to appeal a court decision?	~90%
Have you ever filed a complaint with a regulatory body?	~95%
Do you know how to report a crime or violation of the law?	~90%
Have you ever been a witness in a legal case?	~10%
Do you know how to protect your personal information legally?	~35%
Are you familiar with consumer protection laws?	~90%
Do you know how to handle a contract dispute?	~10%

A horizontal bar chart titled "Page 301". The y-axis lists age groups from 18-24 to 65+. The x-axis represents percentages from 0% to 100%. Each bar is black and its length corresponds to the percentage of respondents in that age group.

Age Group	Percentage
18-24	~95%
25-34	~92%
35-44	~90%
45-54	~85%
55-64	~35%
65+	~30%
18-24	~25%
25-34	~35%
35-44	~55%
45-54	~95%
55-64	~45%
65+	~25%
18-24	~15%
25-34	~75%
35-44	~95%
45-54	~90%
55-64	~80%
65+	~70%
18-24	~85%
25-34	~90%
35-44	~85%
45-54	~80%
55-64	~85%
65+	~80%
18-24	~30%
25-34	~75%
35-44	~95%
45-54	~85%

Page 302

[REDACTED]

Page 304

[REDACTED]

Page 303

[REDACTED]

Page 305

[REDACTED]

8 Q. When these drugs were  
9 rescheduled, would that -- did all of them  
10 happen simultaneously, or did they happen  
11 over time by drug?  
12 MR. LAVELLE: Object to form.  
13 A. I don't understand what all are  
14 being rescheduled means.  
15 Q. For example, the Schedule IIIs  
16 that were rescheduled to be Schedule IIs,  
17 did they all happen at the same time?  
18 A. I still don't understand the  
19 question.  
20 The rescheduling happens on the  
21 federal side.  
22 Q. That's what I'm asking.  
23 So, as the DEA reschedules  
24 Schedule IIIs so that they're Schedule



Page 310

[REDACTED]

Page 312

[REDACTED]

Page 311

[REDACTED]

Page 313

[REDACTED]

Page 314

Page 316

Row	Bar Length (approx. %)
1	45
2	80
3	75
4	90
5	70
6	75
7	75
8	25
9	85
10	90
11	80
12	95
13	35
14	85
15	75
16	98
17	55
18	85
19	95
20	50
21	85
22	95
23	95

Page 315

Page 317

Row	Bar Length (approx. % of total width)
1	85
2	75
3	95
4	65
5	80
6	95
7	60
8	55
9	95
10	100
11	15
12	60
13	95
14	100
15	75
16	95
17	85
18	100
19	90
20	15
21	85
22	45
23	85



Page 318

[REDACTED]

Page 320

[REDACTED]

Page 319

[REDACTED]

Page 321

[REDACTED]

Page 322

[REDACTED]

Page 324

[REDACTED]

Page 323

[REDACTED]

Page 325

[REDACTED]

Page 326

[REDACTED]

Page 328

[REDACTED]

Page 327

[REDACTED]

Page 329

1 Q. Okay.

2 MR. LAVELLE: Counsel, if we're

3 finished with that document, can we

4 take a break? We've been going for

5 about an hour and 15 minutes.

6 MR. SIMMER: That's fine.

7 THE VIDEOGRAPHER: The time is

8 now 4:25 p.m.

9 We're going off the record.

10 (Recess taken.)

11 THE VIDEOGRAPHER: The time is

12 now 4:42 p.m.

13 We are back on the record.

14 BY MR. SIMMER:

15 Q. Ma'am, we talked several times

16 today about the 5,000 base code unit

17 threshold that Rite Aid had used with this

18 pharmacy.

19 Is that right?

20 MR. LAVELLE: Object to form.

21 A. It's 5,000 dosage unit per NDC

22 per order.

23 Q. But isn't that what you called

24 the base code?

Page 330

1 A. No.  
2 Q. Am I getting this mixed up  
3 again?  
4 It's McKesson is the base code;  
5 for Rite Aid it was NDC, right?  
6 A. Yes.  
7 Q. Okay. Did you have anything to  
8 do with setting that 5,000 limit per NDC?  
9 A. No.  
10 Q. Do you know when that was, that  
11 particular policy was set for Rite Aid?  
12 A. I'm not aware when it was set.  
13 Q. But it -- but it was something  
14 that was in place when you took your job  
15 in Asset Protection?  
16 A. It was already in place, yes.  
17 Q. Do you have any idea how long it  
18 had been in place?  
19 A. I'm not sure.  
20 Q. So, that how did this work sort  
21 of in the Rite Aid environment, when a  
22 pharmacy ordered more than 5,000 of a  
23 particular NDC in any given month, would  
24 they receive the full 5,000, or was there

Page 331

1 some -- how was that handled?  
2 MR. LAVELLE: Object to form.  
3 A. The stores may not have been  
4 able to order the 5,000. We have a  
5 replenishment system that goes through an  
6 algorithm. It takes into account the  
7 medication on hand and the movement. So  
8 it didn't allow you to just manually order  
9 5,000 units if that's not what you've been  
10 dispensing or that's not what your sales  
11 show.  
12 So, in that scenario, you would  
13 not be able to reach that threshold. The  
14 ordering system would tell you you can't  
15 order above this because it's already  
16 exceeded the max based off of your store  
17 algorithm. If the store orders more than  
18 5,000, or for whatever reason the order is  
19 over 5,000, then the order would be  
20 omitted. So they would not get anything  
21 above that.  
22 Q. They would get the 5,000 though,  
23 right?  
24 A. You know, I don't know.

Page 332

1 Q. So, I'm just trying to  
2 understand so that if a store ordered,  
3 just give an example, 7500 of that  
4 particular NDC, 7500 units, would they get  
5 the 5,000 or would they get nothing?  
6 MR. LAVELLE: Object to form.  
7 A. I don't -- I'm not clear. I  
8 know in McKesson, it would -- the whole  
9 order would be omitted.  
10 From the supply chain, I'm not  
11 sure. I'm not involved in that.  
12 Q. So that McKesson, at least  
13 you're sure that they would not do a  
14 partial order up to -- or delivery up to  
15 the threshold, right?  
16 A. Correct.  
17 Q. Do you know why they did it that  
18 way?  
19 MS. CHARLES: Objection;  
20 foundation.  
21 A. I'm not sure.  
22 Q. Do you know whether Rite Aid had  
23 a similar policy? Just to be real clear.  
24 MR. LAVELLE: Object to form.

Page 333

1 A. Rite Aid's policy was somebody  
2 will look at the lines that were ordered.  
3 If it was over the 5,000, then somebody  
4 would come out and pick the lines, and  
5 they would have a protocol in place to  
6 contact the stores, document that call,  
7 that activity in a log.  
8 Q. Okay. I'm not sure I got a  
9 clear answer there.  
10 Would they get a partial order  
11 shipped to them?  
12 MR. LAVELLE: Object to form.  
13 Objection; asked and answered.  
14 A. I don't recall if they partially  
15 would fulfill that order. I don't  
16 remember.  
17 Q. Okay.  
18 (Rite Aid - Novack Exhibit 16,  
19 email chain ending June 17, 2013,  
20 Bates No. Rite\_Aid\_OMDL\_003075 to  
21 Rite\_Aid\_OMDL\_003077, was marked for  
22 identification, as of this date.)  
23 BY MR. SIMMER:  
24 Q. The court reporter has handed

Page 334

1 you what she's marked as Novack Exhibit  
2 16, I'll identify for the record as  
3 Rite\_Aid\_OMDL\_003075 to '003077.  
4 Take a moment to review that, if  
5 you would.  
6 A. (Perusing document.)  
7 Okay.

[REDACTED]

Page 335

[REDACTED]

Page 336

[REDACTED]

Page 337

[REDACTED]

Page 338

[REDACTED]

Page 340

[REDACTED]

Page 339

[REDACTED]

Page 341

[REDACTED]

Page 342

[REDACTED]

Page 344

[REDACTED]

Page 343

[REDACTED]

Page 345

[REDACTED]

Page 346

[REDACTED]

Page 347

[REDACTED]

15 Q. So when I go take the  
16 depositions, or we go take the depositions  
17 of these individuals, they're going to say  
18 we already knew about all the stuff we  
19 had. We knew it was housed in different  
20 places. Even though the description  
21 doesn't say that anywhere, they're going  
22 to confirm they agree with you that they  
23 knew this stuff was already being done,  
24 right?

Page 348

1 MR. LAVELLE: Object --  
2 Q. That's your testimony?  
3 MR. LAVELLE: -- to the form.  
4 A. I can't tell you what they would  
5 say in their deposition.  
6 Q. You just said they already knew  
7 about this.  
8 MR. LAVELLE: Object to form.  
9 That's not even a question.  
10 A. So, you asked --  
11 MR. LAVELLE: Wait until he asks  
12 a question.  
13 BY MR. SIMMER:  
14 Q. Did they know about it or not?  
15 You just said that they did.  
16 Now you're saying you don't know what they  
17 know.  
18 Which is it?  
19 MR. LAVELLE: Object to form.  
20 A. I said I don't know what they  
21 would answer in their deposition or if you  
22 were to ask them.  
23 Q. But it's your belief that they  
24 would testify they knew about it, right?

Page 349

1 MR. LAVELLE: Object to form.  
2 Objection; asked and answered.  
3 A. I don't know what they would  
4 testify. I don't know what they would say  
5 they would answer. I don't know what they  
6 would or would not remember.  
7 (Rite Aid - Novack Exhibit 17,  
8 email chain ending October 9, 2013,  
9 Bates No. Rite\_Aid\_OMDL\_0050291 to  
10 Rite\_Aid\_OMDL\_0050306, was marked for  
11 identification, as of this date.)  
12 BY MR. SIMMER:  
13 Q. The court reporter has handed  
14 you what she's marked as Novack  
15 Exhibit 17, which I'll identify for the  
16 record is Rite\_Aid\_OMDL\_0050291 through  
17 '0050306.  
18 Please take a moment to review  
19 that.  
20 A. (Perusing document.)  
21 Okay.  
22 Q. We discussed a moment ago the  
23 right -- that Rite Aid started a project  
24 in 2013 to develop a suspicious order



Page 350

Page 352

1 monitoring system, right?  
2 MR. LAVELLE: Objection to the  
3 form of the question.  
4 A. I'm sorry. Could you repeat the  
5 question?  
6 Q. You see, when he makes his  
7 objections, you lose your train of  
8 thought, don't you? I do the same thing.

Response	Percentage
U.S. should take action	10%
U.S. should take action	20%
U.S. should take action	30%
U.S. should take action	40%
U.S. should take action	50%
U.S. should take action	60%
U.S. should take action	70%
U.S. should take action	80%
U.S. should not take action	20%
U.S. should not take action	30%
U.S. should not take action	40%
U.S. should not take action	50%
U.S. should not take action	60%
U.S. should not take action	70%
U.S. should not take action	80%
U.S. should not take action	90%

Page 351

Page 353

Row	Bar Length (approx. %)
1	65
2	35
3	45
4	70
5	25
6	78
7	82
8	58
9	88
10	38
11	80
12	90
13	90
14	85
15	88
16	82
17	78
18	92
19	72
20	95
21	95
22	55
23	30
24	95

Page 354

[REDACTED]

Page 356

[REDACTED]

Page 355

[REDACTED]

Page 357

[REDACTED]

Page 358

[REDACTED]

Page 360

[REDACTED]

Page 359

[REDACTED]

Page 361

[REDACTED]

21 MR. LAVELLE: Object to form.  
22 Objection; asked and answered.  
23 MR. SIMMER: It is not answered.  
24 She didn't answer the question.

Page 362

1 MR. LAVELLE: Counsel, you don't  
2 get to both ask the questions and  
3 answer them.  
4 MR. SIMMER: I need to get a  
5 clear record here.  
6 MR. LAVELLE: You already do  
7 have a clear record. You're really  
8 making it difficult here because you  
9 ask every question five times and  
10 you're berating the witness.  
11 Let's move on.  
12 BY MR. SIMMER:  
[REDACTED]

Page 363

[REDACTED]

Page 364

[REDACTED]

Page 365

[REDACTED]

Page 366

[REDACTED]

Page 368

[REDACTED]

Page 367

[REDACTED]

Page 369

[REDACTED]

Page 370

[REDACTED]

Page 372

[REDACTED]

Page 371

[REDACTED]

Page 373

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Page 374

[REDACTED]

Page 376

[REDACTED]

Page 375

[REDACTED]

Page 377

[REDACTED]

Page 378

[REDACTED]

Page 380

[REDACTED]

Page 379

[REDACTED]

Page 381

[REDACTED]







Page 390

Page 392

[illegible][illegible]

Page 391

Page 393

Row	Bar Length (approx. % of total width)
1	95
2	90
3	95
4	85
5	95
6	98
7	95
8	98
9	95
10	98
11	95
12	90
13	95
14	20
15	85
16	80
17	90
18	95
19	90
20	100
21	100
22	100
23	65
24	75
25	100
26	25
27	95

Page 394

[REDACTED]

Page 396

[REDACTED]

Page 395

[REDACTED]

Page 397

[REDACTED]

Page 398

Page 400

17 MR. SIMMER: Go off the record.  
18 THE VIDEOGRAPHER: The time is  
19 now 5:55 p.m.  
20 We're going off the record.  
21 (Recess taken.)  
22 THE VIDEOGRAPHER: The time is  
23 now 6:04 p.m.  
24 We are back on the record.

Page 399

Page 401

Row	Bar Length (approx. % of total width)
1	100
2	100
3	10
4	100
5	95
6	90
7	50
8	85
9	85
10	95
11	95
12	100
13	95
14	95
15	40
16	80
17	90
18	30
19	75
20	95
21	95
22	95
23	90
24	30
25	50
26	100

1 MR. SIMMER: No further  
2 questions.  
3 I did want to get one thing on  
4 the record. We need to talk about  
5 swapping in the exhibits so they have  
6 the Bates numbers, and we're going to  
7 make sure we get that done. So I  
8 guess we'll work with the court  
9 reporter. Unless there's any  
10 questions or any things you want to  
11 say on the record about that, that's  
12 what we're going to do over the next  
13 couple days.

14 MR. LAVELLE: We have no  
15 questions for the witness.

16           The witness reserves the right  
17       to read and sign.

18 I would like to put on the  
19 record that we are going to need to be  
20 involved in the process of confirming  
21 that all the documents that are going  
22 to be attached to this transcript are,  
23 in fact, exact copies of what was used  
24 during the testimony today. We have

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1 copies of what was provided to us by  
 2 counsel, and we will be included in  
 3 whatever communications there are  
 4 between plaintiff's counsel and the  
 5 court reporter to make sure we have a  
 6 record of the complete documents,  
 7 including Bates numbers.  
 8 MS. CHARLES: McKesson we would  
 9 appreciate being involved in that as  
 10 well, as well as for our confidential  
 11 stamping of the documents.  
 12 MR. SIMMER: Of course.  
 13 MR. LAVELLE: We agree with  
 14 that.  
 15 THE VIDEOGRAPHER: The time is  
 16 now 6:05 p.m.  
 17 This concludes today's  
 18 deposition. We are going off the  
 19 record.  
 20 (Deposition adjourned at  
 21 approximately 6:05 p.m.)  
 22  
 23  
 24

Page 403

1 A C K N O W L E D G M E N T  
 2  
 3 STATE OF )  
 4 :ss  
 5 COUNTY OF )  
 6  
 7 I, SOPHIA NOVACK, hereby certify  
 8 that I have read the transcript of my  
 9 testimony taken under oath in my  
 10 deposition of January 9, 2019; that the  
 11 transcript is a true and complete record  
 12 of my testimony, and that the answers on  
 13 the record as given by me are true and  
 14 correct.  
 15  
 16  
 17  
 18  
 19 Signed and subscribed to before me this  
 20 \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 21  
 22  
 23 Notary Public, State of  
 24

Page 404

1 E R R A T A  
 2 PAGE / LINE / CHANGE / REASON  
 3 \_\_\_\_\_  
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1 C E R T I F I C A T E  
 2 STATE OF NEW YORK  
 3 COUNTY OF NEW YORK  
 4  
 5 I, Marie Foley, RMR, CRR, a  
 6 Certified Realtime Reporter and Notary  
 7 Public within and for the State of New  
 8 York, do hereby certify:  
 9 THAT SOPHIA NOVACK, the witness  
 10 whose deposition is hereinbefore set  
 11 forth, was duly sworn by me and that such  
 12 deposition is a true record of the  
 13 testimony given by the witness.  
 14 I further certify that I am not  
 15 related to any of the parties to this  
 16 action by blood or marriage, and that I am  
 17 in no way interested in the outcome of  
 18 this matter.  
 19 IN WITNESS WHEREOF, I have  
 20 hereunto set my hand this 11th day of  
 21 January, 2019.  
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1	LAWYER'S NOTES		
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